



**MINUTES OF THE MEETING
OF THE GENERAL CHIROPRACTIC COUNCIL
HELD ON 21 MARCH 2018
44 WICKLOW STREET, LONDON WC1X 9HL**

Present

Mary Chapman (Chair of Council)
Roger Dunshea
Tom Greenway
Gareth Lloyd
Sharon Oliver
Ralph Pottie
Liz Qua
Keith Richards
Julia Sayers
Carl Stychin
Gay Swait
Phil Yalden

Apologies

Steven Gould

In attendance

Rosalyn Hayles, Chief Executive and Registrar
Paul Ghuman, Deputy Chief Executive (Director of Resources & Regulation)
Penny Bance, Director of Education, Registration and Standards
Jamie Button, Registrations Manager, in attendance for item C-1803/6 and C-1803/11
Richard Kavanagh, in attendance for item C-1803/12 and C-1803/13

Observers

Mark Muncila (United Chiropractors Association)
Hilary Royall (McTimoney College of Chiropractors)
Michael Toft (Professional Standards Authority)
John Witt (Capsticks LLP)

C-1803/1	<p>Apologies and declarations of interest</p> <p>The Chair opened the meeting by welcoming both Council and the observers present. She noted that the original agenda had been amended, with item 8 having been removed. Council would revisit this item in June.</p>
C-1803/2	<p>Draft minutes of the meeting of 7 December 2017 and matters arising.</p> <p>The minutes of 7 December 2017 were agreed as an accurate record of the meeting and all matters arising had been completed.</p> <p>The Chair noted that Council had approved the Strategic Statement for 2018-2020 and the 2018 Business Plan in January 2018.</p>

C-1803/3	<p>Chair's report</p> <p>The Chair's report provided an update to Council on the work carried out from December 2017. The Chair's priority had been to ensure the continuity of the GCC's executive leadership and she had also focused on furthering her relationship with other stakeholders. The Chair said she had met with the professional associations, the Royal College of Chiropractors (RCC) and other stakeholders, and had attended both the British Chiropractic Association (BCA) and RCC conferences. She had also met with Adam Halsey from haysmacintyre (the GCC's external auditors) to discuss preparation for the financial aspect of the Council training session held on 20 March 2018.</p> <p>The Chair said she had approached the Privy Council to ask whether it would be acceptable to leave open the current vacancy on Council for a registrant member, or whether that position needed to be filled. Following an exchange of correspondence with the Privy Council, the Privy Council had confirmed there was no objection to the GCC leaving a small number of Council posts vacant, so long as an approximate balance in registrant/lay numbers was maintained.</p> <p>The Chair said that interviews for the position of interim Chief Executive had been held and that, following those interviews, a new Chief Executive and Registrar (CER) had been selected. She also confirmed that Council member Carl Stychin had been reappointed for another five years. A recommendation had been made to Council regarding the appointment of a new independent member for the Remuneration Committee and the appointment of an overall Chair of the Professional Conduct and Health Committees. The Chair confirmed that Council had agreed both recommendations and that, as a consequence, Sharon Wilson had been appointed as the independent member of the Remuneration Committee, and David Clark as the Chair of the Professional Conduct and Health Committees.</p>
C-1803/4	<p>Executive report</p> <p>The CER introduced the executive report, providing an update on the GCC's statutory functions since the previous Council meeting as well as on external developments in the regulatory environment including collaborative work with other health and care professions regulators.</p>
C-1803/5	<p>Performance report</p> <p>The Chair noted that there were two sets of papers for this item – the usual performance report (paper 1803/5) and also a paper which set out progress on projects within the Business Plan due to be completed/initiated during Quarters 1 and 2. The second paper asked for Council's views on its format (and the attached schedule) (paper 1803/5A).</p> <p>The Deputy Chief Executive (Director of Resources and Regulation) (DCE) introduced the performance report, beginning with the financial summary. He said that the income to-date was £5k higher than forecast and noted that a large portion of the GCC's income had been received in the early part of the year. There were minor variances on both non-practising and practising income and the investment income was slightly higher than forecast. The investment portfolio had dropped to £4.8m, following a slight downward fluctuation in the stock market.</p> <p>The DCE reported that professional fees were slightly lower than forecast as a result of activities being planned in January, following agreement of the Business Plan and Budget. Fitness to practice (FtP) costs were also £51k below the budget forecast.</p>

The DCE noted that £30K had been accrued in the financial summary to cover the costs of the expert report in relation to the advertising caseload but said the amount accrued might need to be exceeded. He said he was overseeing development of a project plan in respect of progression of the advertising caseload and that it was likely that some additional resources would be required. The Chair said it would be important to receive a budget revision to include the likely amount of the increase in costs as well as the reason(s) for it.

In answer to a query raised by a Council member, the CER confirmed that a tender exercise had not been carried out in respect of provision of the expert report in relation to the advertising caseload. The GCC only had a limited pool of experts on which to draw and on this occasion it was considered appropriate to instruct the expert with most experience of advising on these matters. The Chair noted that the Council would expect the DCE to negotiate down the expert's fee.

'Note 2' should be corrected - the 'budget' and 'actual' figures should be reversed. The budget figure should read £2,336,800 (rather than £2,340,000) and the 'actual' figure should read £2,340,000 (rather than £2,336,800).

Key Performance Indicators (KPI)s

The DCE noted that the KPIs were reported by exception and said the GCC was still not hitting the target of determining IC cases within a median of 28 weeks from receipt of the complaint. The current median was 30 weeks, which represented an improvement on the previous figure of 34 weeks.

In answer to a query raised, the DCE said that there could be quite a variation around the median figure. Council asked for a mean as well as a median figure to be provided in future. Council also requested provision of an analysis of the split of cases resulting in "case to answer" and "no case to answer" outcomes. The DCE agreed to provide such an analysis in respect of complaints determined by the IC during 2017. Council would then consider whether it would be useful to have similar analyses provided going forward.

Council noted that the Audit Committee (AC) had previously received a report on Single Tender actions and that these should be reported at the next meeting of the AC.

Action: A mean figure to be added to the Performance report.

Action: The DCE to provide an analysis of the timeframe for determination by the IC of "case to answer" as opposed to "no case to answer" outcomes during 2017.

Monitoring of progress against Business Plan

The CER introduced paper 1803/5A, which reported on progress of the Business Plan 2018 project work. She provided an update on the information set out in the paper, noting that project plans had now been finalised in respect of the office move and the work to upgrade the Registrations database.

Council was asked to consider the paper's recommendation that the executive should provide a monthly status update on key projects which were currently rated amber/red. Those projects were:

- the review of disclosure policy and general GDPR compliance
- the tender for provision of external legal services

The Chair noted the importance of project plans being in place (for all projects requiring them) in order to allow for effective monitoring of progress towards

	<p>milestones and deliverables.</p> <p>Agreed: Council agreed these recommendations and added in the requirement for a report on the work to embed shared values across the staff team.</p> <p>Action: Monthly status update on key projects rated amber/red to be provided to Council.</p>
C-1803/6	<p>Recovery of costs associated with issue of certificates of good standing</p> <p>The Registrations Manager introduced this paper, which invited Council to consider introducing an administrative fee of £50 for producing Certificates of Current Professional Standing (CCPS) on request.</p> <p>The Registrations Manager explained that CCPS are issued to a mix of current registrants, some individuals registered as non-practising and some who had previously been on the register. CCPS are usually requested in order to support the individual's application to another regulator, either in the UK or overseas.</p> <p>Agreed: Council noted the comparative costs of fees charged by some other regulators and agreed that the GCC should seek to recover its costs for this service, and that a fee of £50 should therefore be set.</p>
C-1803/7	<p>Finalisation of revised and updated Indicative Sanctions Guidance and a bank of template conditions for use by the Professional Conduct Committee (PCC) and the Health Committee (HC)</p> <p>The CER introduced this paper, which asked Council to consider and to approve for publication the revised version of the Indicative Sanctions Guidance (ISG) and a bank of template conditions for use by the PCC and HC, with effect from 1 May 2018. The paper set out responses received during the consultation process, as well as the amendments the GCC proposed making to the documents in light of those consultation responses. The CER tabled an addendum to that paper, which set out comments received after the close of the consultation from the Alliance of UK Chiropractors, along with the amendments the GCC proposed making in consequence.</p> <p>The CER explained that the ISG is a way of encouraging consistent decision-making by committees, in line with the statutory framework and case law. The GCC's ISG had not been reviewed since 2010. As previously reported to Council, in December 2017 the GCC had initiated a 3-month public consultation exercise on a revised version, along with a new bank of template conditions.</p> <p>Agreed: Council agreed that the revised version of the Indicative Sanctions Guidance and the bank of template conditions should be published, once the amendments suggested in papers 1803/7 (and the addendum) had been made.</p> <p>Action: Publish the revised ISG and template conditions.</p>
C-1803/8	This item was withdrawn from the agenda
C-1803/9	<p>IR(ME)R Explanation Guides</p> <p>The Director of Education, Registration and Standards introduced paper 1803/9, which asked Council to approve the withdrawal of the published Explanation Guide and Procedures documents on IR(ME)R which relate to the Ionising Radiation Regulations 2000.</p>

	<p>Following the recent IRR17 and IR(ME)R 2018 legislation of February 2018, the existing Explanation Guide and accompanying documents were now obsolete and would either need to be withdrawn or updated.</p> <p>The development of the documents had been lengthy and difficult and the GCC had essentially acted as a facilitator, bringing together different expert and professional viewpoints. Bringing the work to a conclusion had been challenging, due to lack of momentum and disagreement about ownership of the finished documents.</p> <p>The Director of Education, Registration and Standards added that the GCC would not usually produce guidance in relation to legislation where the GCC is not the enforcing body. In addition, since development of the Explanation Guide and other documents, other organisations such as the Royal College of Radiologists, who are much better placed (in terms of their expertise) to produce guidance on this topic, had done so. The professional associations and the Royal College of Chiropractors had also recently produced information and training for chiropractors around this issue.</p> <p>Agreed: Council agreed the recommendation to withdraw the published Explanation Guidance and Procedures documents on IR(ME)R and to communicate this to the profession.</p> <p>Action: Explanation Guidance and Procedures documents on IR(ME)R to be withdrawn from website and the withdrawal of the documents to be communicated to the profession.</p>
C-1803/10	<p>Annual report and accounts – process and timeline</p> <p>The DCE introduced this paper, which asked Council to note the timetable for the preparation of the annual report and annual accounts for 2017. In response to a query, the DCE confirmed that the 2016 accounts had been produced in compliance with accounting standard FRS102.</p> <p>Council members suggested the annual report could usefully cover governance within the organisation. It could be useful as a vehicle to demonstrate to registrants how their fees were spent and therefore it might be helpful to feature some narrative around the major projects that have been accomplished and new initiatives undertaken.</p>
C-1803/11	<p>Annual registrations report</p> <p>The Registrations Manager introduced the fifth Annual Registrations report, covering the registrations function during 2017. The report included information about new registrants, including information about their routes to registration, a survey of those new to the register and trends in initial registration, as well as a projection over the next five years in relation to potential new registrants. The Registrations Manager noted that there had been 195 new registrants during 2017, as compared to 166 new registrants in 2016.</p> <p>Council thanked the Registrations Manager for what they agreed was an excellent piece of work.</p> <p>Council members discussed the potential seriousness for public safety of any non-registrants practising chiropractic. While the GCC acts upon complaints it receives about non-chiropractors misusing the title, it does not pro-actively check whether anyone registered as non-practising is practising, nor whether anyone who has</p>

	<p>recently relinquished their registration is continuing to refer to themselves as a chiropractor or advertising using the title “chiropractor”. The CER noted that the GCC’s remit to take criminal action only applies to misuse of title, not to use of chiropractic techniques by non-chiropractors.</p> <p>Council requested the executive to scope out the feasibility and potential costs of a project to check that previous registrants are not referring to themselves as chiropractors (in the UK). Council members also suggested that a transparent method for whistleblowing by chiropractors should be put in place to aid reporting of the misuse of the title of chiropractor. Council agreed that the scoping work should include analysis of the resources that might be required in order to take appropriate action in relation to any individuals who were identified as misusing the title, as a result of the checking exercise.</p> <p>Action: A report scoping out the feasibility and costs of checking potential misuse of title and then taking appropriate action to be made to Council at its next meeting.</p>
C-1803/12	<p>Annual Fitness to Practise report</p> <p>The Business Information Officer introduced the Annual Fitness to Practise report, which presented FtP statistics covering the 2017 calendar year. It covered cases that were determined by the IC and PCC and included details about the decisions reached and the timeframes. For the first time, the 2017 report also detailed the nature of the complaints received, as requested by Council. The Business Information Officer noted that, despite receiving a higher volume of complaints in 2017 than in previous years, the GCC had improved upon its timeliness in concluding them.</p> <p>Council members suggested that it would be helpful to analyse the nature of the complaints by reference to their outcome – in order to identify any pattern in the type of complaints likely to be referred to the PCC.</p> <p>Council agreed the importance of communicating the lessons learned to registrants and suggested that it would be useful if some of the data set out in tables about the nature of complaints could be extracted and communicated to registrants in the newsletter.</p> <p>Agreed: Council agreed the publication of the 2017 FtP statistics report.</p> <p>Action: Key extracts from the annual fitness to practise report to be included in the next newsletter.</p>
C-1803/13	<p>Annual Equality and Diversity report</p> <p>The Business Information Officer introduced the Equality, Diversity and Inclusion report (paper 1803/13), which details the GCC’s activities in relation to equality and diversity objectives for the 2017 calendar year.</p> <p>The Business Information Officer noted that very positive feedback about the unconscious bias training which the GCC had provided had been received from the Investigating Committee and Council members. Similar training would be rolled out shortly to the PCC and to GCC staff.</p> <p>Agreed: Council agreed the publication of the 2017 Equality, Diversity and Inclusion report.</p>

C-1803/14	<p>Report from the Audit Committee (AC)</p> <p>The Audit Committee Chair reported orally on the Committee’s recent activities.</p> <p>The AC had agreed the scope of the 2017 audit, which would commence on 3 April 2018. The financial statements would then be presented to Council for adoption at its June meeting. The AC had agreed that the audit would include checks on where controls could be overridden by management, in areas such as accruals, coding and other accounting journals.</p> <p>The AC Chair noted that the report of the targeted Fitness to Practise audit was expected by 23 March.</p> <p>The AC had identified at its last meeting the need to review the GCC’s Risk Management Strategy. The AC would review this at its next meeting. It had also identified that the Financial Regulations should be reviewed. Once reviewed, both documents would need to be incorporated into a revised version of the Governance Manual.</p> <p>The AC Chair noted that the size of the AC, and its title, was a matter that the committee itself was considering. At its June meeting the Council would be asked to approve any suggested changes to the AC’s terms of reference, as a result.</p> <p>Action: DCE to arrange for the review of the Risk Management Strategy and Financial Regulations for the AC to review at its next meeting.</p> <p>Action: The AC to make recommendations to the June Council meeting about its terms of reference.</p>
C-1803/15	<p>Strategic Risks</p> <p>Council discussed a paper that was tabled by the Audit Committee, setting out the strategic risks that had been identified during the Council training day on 20 March.</p> <p>The AC Chair noted that the work done to identify strategic risks followed on from training provided about risk management. Council members had divided into small groups to consider the most important risks facing the GCC. The AC Chair noted that there was a considerable degree of commonality between the risks the various groups had identified. The AC (along with the CER) had then compiled a composite list identifying all of the risks (both operational and strategic) that had been identified. Council considered the strategic and operational risks that had been identified at the Council training day and the CER noted that Council would need to consider whether it wished to retain the current format of the Strategic Risk Register but that the first task would be to agree the list of risks.</p> <p>Council members agreed that it would be helpful if more detail could be set out about the events that might trigger the strategic risks identified. Providing more detail about the circumstances in which such risks might arise would help in identifying relevant mitigating action.</p> <p>The Chair asked for the CER to brief the incoming interim CER on the current status of the work around risk:</p> <p>Agreed: Council agreed that in future, greater weighting should be given to the “impact” element, as recommended by Adam Halsey during the training session held on 20 March.</p>

	Action: CER to brief the incoming interim CER on current status of the work around risk.
C-1803/16	<p>Report from Education Committee</p> <p>The Chair of the Education Committee (EC) provided Council with a report from the recent 2-day Education Committee meeting held from 12-13 March.</p> <p>The EC had spent one afternoon reviewing the education providers' annual monitoring returns and discussing them face-to-face. The EC had also discussed with the education providers the survey on students' preparedness to practice, including discussing areas that might need to be addressed.</p> <p>The EC had arranged for Education Visitors to attend the AECC, following the change to the new Masters course being introduced September 2018 and a change in the AECC's status from that of a college to a degree-awarding University.</p> <p>The Director of Education, Registration and Standards noted that a panel of Education Visitors had also attended London South Bank University (LSBU). A panel would be visiting WIOC in April 2018. Recommendations would be brought to Council in June.</p> <p>The EC Chair noted that the EC had also received the External Examiner's report on the Test of Competence and had agreed a recruitment process for a new External Examiner.</p> <p>The EC Chair noted that guidance for both education providers and students concerning Fitness to Practise and student health and disability was under development and currently out for consultation.</p> <p>The EC had requested that learning points and resources for continuing fitness to practise should be developed, following the recent pilot activity.</p>
C-1803/17	<p>AOB</p> <p>There was no other business.</p>
	Date of next meeting: 27 June 2018