



**MINUTES OF THE MEETING
OF THE GENERAL CHIROPRACTIC COUNCIL
HELD ON 15 JUNE 2017
44 WICKLOW STREET, LONDON WC1X 9HL**

OPEN SESSION

Present:

Roger Dunshea (Acting Chair of Council)
Tom Greenway
Gareth Lloyd
Liz Qua
Julia Sayers
Carl Stychin
Gay Swait
Phil Yalden

Apologies

Steven Gould

In attendance:

Rosalyn Hayles, Chief Executive and Registrar
Penny Bance, Director of Education, Registration and Standards
Paul Ghuman, Deputy Chief Executive (Director Resources & Regulation)
Jamie Button, Registrations Manager, in attendance for item for items C-1706/10 and C-1706/11
Adam Halsey, partner, haysmacintyre, in attendance for item C-1706/8

C-1706/1	<p>Apologies and declarations of interest</p> <p>Apologies were received from Steven Gould.</p> <p>Phil Yalden declared an interest in relation to item C-1506/5 'Review of Education Standards/QA Processes', as he works for an education provider.</p>
C-1706/2	<p>Draft minutes of the meeting of the meeting of 29 March 2017 and matters arising.</p> <p>The minutes of 29 March 2017 were agreed as an accurate record of the meeting. There were no matters arising.</p>
C-1706/3	<p>Chair's report</p> <p>The Acting Chair began by conveying his condolences to the family of Marie Cashley, a former Council Member who passed away recently. He also thanked the Council for their assistance with compiling a tribute to Marie that was published in the May newsletter.</p> <p><u>Update on Committee membership</u> The Acting Chair updated the Council on Committee membership, saying that he had appointed Steven Gould as Chair of the Remuneration Committee and Julia Sayers as a member of the Committee. He said the appointments were for a period of six months, which would give the permanent Chair an opportunity once they are</p>

	<p>appointed to review and refresh membership across the committees, as they consider appropriate. The Acting Chair of Council also informed Council that Liz Qua had been appointed Chair of the Audit Committee (AC) while he remains Acting Chair of Council.</p> <p><u>Update on Council appointments</u> The Acting Chair provided Council with an update on the Council appointments process. He said that there had been a delay in the Privy Council's appointment of new Council Members, due to the timing of the general election. The recruitment and appointment process is largely complete (the PSA having approved the process used by the GCC) and the new appointees are expected to be in post by 1 August 2017.</p>
C-1706/4	<p>Executive report</p> <p>The Chief Executive & Registrar (CER) introduced the Executive Report, which outlines the delivery of the GCC's statutory functions and developments in the external regulatory environment communicate during the period since Council last met.</p> <p>The CER noted that the Executive Report requires updating in one respect – the Professional Standards Authority (PSA) had launched its public consultation on a review of the Standards of Good Regulation on 12 June. The executive would be preparing a draft consultation response for consideration by Council in time for submission to the PSA by the deadline of 12 September.</p>
C-1706/5	<p>Review of Education Standards/QA Processes</p> <p>The Acting Chair of the Education Committee (EC) introduced this paper, which sought Council's approval for the Education Standards that will replace the current Degree Recognition Criteria (DRC) and also the new Quality Assurance Handbook. He began by saying that he wished to record his thanks to all who worked on producing these documents. He said the documents had been approved by the EC and that they were content that the new handbook was in line with the chief principles the GCC were aspiring to – that they were proportionate and consistent with 'right touch' regulation.</p> <p><u>Draft Education Standards</u> The Director of Education, Registration and Standards provided some background to the new Education Standards, explaining that they provided a direct link between the Code of Practice and the outcomes that approved education programmes will be required to achieve. She said the EC had met in July 2015 to consider the issues regarding the DRC and had agreed that the DRC required a review in order to ensure consistency and coherency and that the future scheme reflected current healthcare needs.</p> <p>Following a tendering process, Pye Tait had then begun work on the new Education Standards. The draft Education Standards had been shared within the chiropractic education community, and the EC had approved them at its April 2017 meeting.</p> <p><u>Quality Assurance Handbook</u> The Director of Education, Registration and Standards explained that the purpose of a new Quality Assurance (QA) handbook was to demonstrate the quality and transparency of the GCC's processes for approving degree programmes. The Director of Education, Registration and Standards confirmed that the processes set out in the handbook distinguished between approval of new programmes proposed by new providers and new programmes proposed by providers of programmes who already run approved programmes. Programme approvals would no longer have a</p>

	<p>fixed expiry date. The GCC intended to recruit a panel of Education Visitors who will visit education providers at the request of the Education Committee.</p> <p>Council approved the new Education Standards and Quality Assurance Handbook</p>
C-1706/6	<p>Update report from Audit Committee</p> <p>The Chair introduced Adam Halsey (partner at haysmacintyre, the GCC’s external auditors) who joined the meeting at this point and was present to answer any question on the Accounts and Annual Report.</p> <p>The Chair of the AC provided Council with a report on this item, saying that the AC had met on 8 May 2017 and that Mr Halsey had been present at that meeting. She said that the accounts had been prepared under the new FRS102 accounting standard and that the Annual Report had been prepared six months earlier than in previous years. The AC recommended adoption of the Annual Report and Accounts by the Council. The Chair reported that the AC had discussed the accounts with haysmacintyre at the meeting, and were satisfied that the accounts had been properly prepared in accordance with the relevant law and accounting standards.</p> <p><u>Review of Strategic Risk Register</u></p> <p>The Chair of the AC reported that at the meeting in May 2017, no new risks had been identified, but that there had been some revision to existing risk scores. In addition, the risk around “failure to agree a system of assuring the continued fitness to practise of chiropractors” had been amended, to refer instead to a risk of “failure to implement an effective system of assuring the continued fitness to practise of chiropractors”.</p> <p>The AC Chair also noted that a short-term risk had been added, concerning the temporary reduced membership of Council, pending the new appointments by the Privy Council.</p> <p><u>Review of Key Performance Indicators</u></p> <p>The Chair of the AC said that the Committee had reviewed the KPI in place in relation to investigation of FtP complaints, in light of concerns about its usefulness. The AC had agreed to replace the current KPI with a median target of 28 weeks between the receipts of each complaint to its determination by the Investigating Committee (IC). The Chair of the AC noted that this would be more in line with the targets used by some other regulators in the sector. The Chair reported that the AC had agreed that the KPI/median target should be reviewed annually. The AC had also agreed that additional resources might in due course need to be allocated in relation to the processing of the volume of advertising cases.</p> <p>The Deputy Chief Executive (DCE) explained that the AC had also been asked to consider putting in place a separate KPI/target in relation to the bulk advertising complaints. The AC decided that it did not currently have sufficient information to put a KPI/target in place, and that this should be reconsidered at its next meeting, in November 2017.</p>
C-1706/7	<p>Governance manual and Standing Orders</p> <p>The CER introduced this paper, which asked Council to consider the draft Governance Manual and specifically to approve the amended Standing Orders, the amended Scheme of Delegation and the amended Code of Conduct set out within the Governance Manual. The paper also drew Council’s attention to a number of specific points on which Council decisions were sought, and identified “next steps” for consideration by Council.</p>

The CER explained that the draft Governance Manual had been restructured since the version the Council had last seen. It now follows a similar format to that used by the General Osteopathic Council. The CER thanked the AC members who had provided comments on the draft Governance Manual following the AC's May 2017 meeting. She confirmed that those comments had been taken into account in the draft Governance Manual now presented for Council's consideration and approval.

Council referred to the specific points highlighted in the paper for it to consider and agreed that the following should be reflected in the Governance Manual (in the Standing Orders, and elsewhere as appropriate):

- The dates of public Council meetings will be published not only on the website but also in the newsletter and by any other means the GCC routinely uses to communicate with registrants/the public (e.g. social media);
- Notice of an extraordinary meeting of Council must be given at least 14 days in advance and the papers for such meetings must be provided at least 3 working days in advance;
- The Chair of Council may only convene an extraordinary general meeting (other than at the request of 8 Council Members) with the consent of the Chair of the Audit Committee;
- The Chair of Council will maintain a record of items that are proposed for inclusion on a Council meeting agenda which are not then included on that agenda;
- The Standing Orders and Governance Manual should require minimum levels of attendance at Council and Committee meetings, as drafted;
- Council Members must not conduct non-GCC business during Council meetings;
- The Standing Orders should include a process for bringing a Council debate to a close;
- There should be provision for individual Council Members' objections to decisions taken by majority to be recorded, in exceptional circumstances;
- Observers will be permitted to ask questions at Council meetings. Questions should preferably be submitted in writing in advance of the Council meeting. Other questions (or comments) may only be raised verbally during a Council meeting with the permission of the Chair and if they relate to agenda items. Such questions (or comments) may only be made at the end of the Council meeting, unless, exceptionally, the Chair permits a question to be raised at the end of the relevant agenda item. The Chair will have complete discretion in relation to permitting verbal questions and in drawing any discussion to a close.
- Provision will be made for the Chair, in consultation, and in agreement with, the Chair of the Audit Committee, to be permitted in exceptional circumstances to provisionally suspend a Council Member;
- A similar procedure to the one that applies to the removal of members of statutory committees should apply to non-statutory committee members.

Council discussed the terms of appointment for non-Council committee members and agreed that it was good governance to have a maximum term for any committee member, including those independent committee members who are appointed because of their specific skill-sets They agreed that two four-year terms should be the maximum length of time any committee member can serve and that

	<p>reappointment for the second term should be subject to satisfactory appraisal etc.</p> <p>Council agreed that the Remuneration Committee should have responsibility for approving the entire range of fees paid to Council and Committee members and other external contractors such as Test of Competence (ToC) assessors, legal assessors, medical assessors and other non-staff members who carry out work for the GCC. Council agreed that the Remuneration Committee's Terms of Reference should be amended to reflect this.</p> <p>The CER noted that changes also need to be made to other committees' Terms of Reference in light of Council's approval of the Governance Manual as drafted – in particular that several changes would need to be made to the Audit Committee's Terms of Reference, and that Terms of Reference documents would need to be finalised (and approved by Council) for the Registration Appeals Committee and the Reappointments Committee. It was not necessary to have a Terms of Reference document for the Education Committee, as it is a statutory committee.</p> <p>Council agreed to delegate approval of the finalised Governance Manual to the Acting Chair of Council Chair and the Chair of the Audit Committee.</p> <p>The Chair of the AC thanked the CER for the considerable work she had put into progressing the Governance Manual to this stage.</p>
C-1706/8	<p>Annual Report and Accounts</p> <p>Mr Halsey said the draft Annual Report and Accounts for 2016 had been considered by the AC at the meeting in May 2017 and that the AC had been content to recommend the report and accounts for adoption by Council.</p> <p>He then turned to the Audit Findings Report. He said that only minor adjustments had been made to the accounts and that there had not been any core omissions or inaccuracies. He said an in-depth audit of Council Members' expenses had highlighted the need for a general reminder of the expenses policy. He said that all regulators were now under increased public scrutiny and that it was important for everyone to be aware of expenses policies and for the communication of those policies to be clear. He also said haysmacintyre recommended that the Council meet with the fund managers to review the target allocation of funds agreed by the Council last year and to ensure that this is in line with the risk profile as stated in the Council's investment strategy.</p> <p>The DCE highlighted the key financial points of the 2016 Annual Report and Accounts. These were:</p> <ul style="list-style-type: none"> • There was an income increase of £88K (4.9%) to £2.49M. • The Investment portfolio, with an initial investment of £4m, had increased to £4,670k. • Expenditure has increased in 2016 by £318K to £2,808K. • Council and Committee appointment costs had increased by £45K due to appointment processes being carried out for both Council and the Investigating Committee (IC). • IC costs had increased by £118k due to an increase in the number of expert reports and also on the initial analysis of the advertising complaints. • The overall surplus for the year, after taxation, was £159K. • The Council had reserves to cover just over 16 months of expenditure at the year end.

	<ul style="list-style-type: none"> • The Annual Report and Accounts had been prepared under FRS102. <p>The DCE noted that an additional note 18 had been added to the accounts in relation to a post balance sheet event. This was to note that the landlord had initiated a break clause in the lease and that this would now terminate on 11 April 2018.</p> <p>The CER noted that the Executive would be reviewing the format of the Annual Report for future years, and asked that any suggestions about the layout or content of the report should be made to the Executive.</p> <p>Council agreed the Annual report and Accounts for 2016 and that the Acting Chair of Council will sign this on behalf of Council.</p> <p>Council agreed that the Acting Chair should sign the Letter of Representation.</p>
C-1706/9	<p>Performance report to 30 April 2017</p> <p><u>Income</u></p> <p>The DCE introduced the April 2017 Performance report. He reported a net positive income to date of £103k. Retention fees were £48k above target, with a further positive variance of £18k on registration income. There was also a positive variance on investment income to date of £37k.</p> <p><u>Expenditure</u></p> <p>The DCE said staffing costs would be lower this year as a result of the work previously carried out by the in house lawyer advocates had been outsourced. This would, however, be offset by additional FtP costs in instructing external solicitors and counsel. Furthermore, FtP costs may also increase further as we deal with processing the bulk advertising complaints.</p> <p>Council costs were higher than forecast. Council increased the number of appointments in early 2017 from 3 members to 5 members. This change had led to an associated increase in costs.</p> <p>There was a £6k surplus to date in relation to the costs of the Test of Competence assessments (ToC). However, it was noted that there would be other ToC-related costs throughout the year.</p> <p>The DCE said staff turnover at the end of April was close to 19%, due to two redundancies and one member of staff leaving. Council also noted that this would increase as there were three other staff members leaving in June/July.</p> <p><u>KPIs</u></p> <p>The FtP investigations KPI ('to determine 90% of IC complaints within nine months of referral') is not being met currently, although performance has improved since the March 2017 Council meeting. The AC had agreed at its meeting in May 2017 to replace that KPI with a target based on a median number of weeks between each complaint being received and being determined by the Investigating Committee. This new performance measure would be reported on at the next Council meeting, in September 2017.</p> <p>The DCE explained that the data set provided to the Professional Standards Authority (PSA) each quarter has been appended to the Performance Report. The data set covers the period from April 2016 to March 2017. He said that, while some median figures had increased, the GCC's performance was still comparable with the performance of some other regulators in the sector.</p>

	<p><u>Operational plan</u></p> <p>The DCE reported on delivery of the projects set out in the business plan. He noted that the new case management system had been implemented, along with the new Education Standards and revised quality assurance processes for current and new degree programmes. He noted that an additional project that the Council had agreed in March 2017 (review of the FtP team’s internal processes by an external consultant) was under way and may lead to the GCC seeking some specific legal advice in due course.</p>
C-1706/10	<p>Review of online register</p> <p>The Registrations Manager introduced the paper relating to this item and explained that it had first been considered by Council at its March 2017 meeting. He said that the stakeholders consulted were broadly in agreement that the information currently published by the GCC was fit for purpose, but that two main questions had been raised: 1) whether the gender of the registrant needs to be published; and 2) whether the chiropractic qualification needs to be published (on the basis that the general public are unlikely to know the difference between qualifications and so are unlikely to be able to make a decision based on that information).</p> <p>He noted that registrants’ work addresses are published on the online register, but that the GCC does not publish the addresses of chiropractors who have paid the non-practising fee.</p> <p>Based on the information gathered so far, the Registrations Manager proposed that no further action was needed and that no changes needed to be made to the information published by the GCC on the online register.</p> <p>Council agreed this proposal</p> <p>Council was also notified of an issue that had arisen during the review of the information published on the online register. The Registrations Manager noted that The Chiropractors Act requires the GCC to publish a register (the ‘published register’) each year. At the moment, the online register is, by default, the ‘published register’. The difficulty with continuing with this approach is that the online register does not contain all of the data required by the Act. It was therefore proposed that the GCC should in future publish a “published register” (containing the information required by the Act) on its website annually, which is separate to the online register.</p> <p>Council agreed this proposal.</p>
C-1706/10	<p>Registrations KPI</p> <p>The Registrations Manager introduced this paper, which asked Council to consider amending the Registrations team’s KPI to bring it into alignment with the data the PSA require every quarter, as well as with the amendment recently agreed to the FtP investigations team’s KPI.</p> <p>The current KPI requires 100% of chiropractors to be registered within two days from the day their application is completed (this is a target rather than a KPI). That target has been met over the last 12 months. It is now proposed that it should be changed so that its format aligns with the data routinely provided to the PSA and with the FtP investigations KPI (as amended).</p> <p>Council agreed this proposal.</p>

C-1706/11	AOB <u>Work plan 2017</u> Council discussed the 2017 work plan. Council noted that the scheduled review of retention fees no longer needs to take place at its September meeting, as a result of a decision taken at Council's closed meeting earlier in the day.
	Date of next meeting: 21 September 2017

DRAFT