

**Minutes of the Meeting of the
General Dental Council
held at 12.30pm on Friday 21 October 2022
in Open Session at 37 Wimpole Street, London**

Council Members present:

Lord Harris	Chair
Terry Babbs	
Ilona Blue	
Donald Burden	
Anne Heal	
Angie Heilmann MBE	
Jeyanthi John	
Sheila Kumar	
Mike Lewis	
Caroline Logan	
Simon Morrow	
Laura Simons	

Executive Directors in attendance:

Ian Brack	Chief Executive and Registrar
Gurvinder Soomal	Chief Operating Officer
John Cullinane	Executive Director, Fitness to Practise
Stefan Czerniawski	Executive Director, Strategy
Lisa Marie Williams	Executive Director, Legal and Governance

Staff and Others in attendance:

Osama Ammar	Interim Associate Director, Policy and Research (items 7 - 8)
Samantha Bache	Associate Director, Finance (items 9 – 11, and 13)
Lee Bird	Interim Deputy Head of Governance (throughout the meeting)
Kristen Bottrell	Policy Manager (item 12)
David Criddle	Head of Business Intelligence, Delivery and PMO (items 9 – 10)
Tey Hassan	Principal Legal Advisor (item 11)
Joanne Rewcastle	Associate Director, Communications and Engagement (throughout the meeting)
Ross Scales	Head of Upstream Regulation (item 12)
Katie Spears	Head of Governance (Secretary) (throughout the meeting)

Others in Attendance:

Sir Ross Cranston Chair of the Statutory Panellists Assurance Committee (SPC)

Members of the public attended as observers.

Apologies

Dawn Bettridge Interim Executive Director, Organisational Development

1. Welcome and apologies for absence

- 1.1 The Chair welcomed everyone to the meeting, including members of the public who had joined to observe, and noted apologies from Dawn Bettridge, Interim Executive Director, Organisational Development.

2. Declaration of interests

- 2.1 All members and staff present declared an interest in item 9 – Costed Corporate Plan 2023-25 and Budget 2023. All registrant members declared an interest in item 11 – Annual Retention Fee Levels.
- 2.2 All registrant Council Members declared an interest in Item 12 – Promoting Professionalism.

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 full minutes of the public meeting and the abbreviated minutes of the closed meeting held on 23 September 2022 had been **approved via correspondence**.

5. Matters Arising and Rolling Actions List

- 5.1 The Council **agreed** that the action marked as 'suggested complete' could be considered completed. Committee Appointments letters had been issued on 28 September and the Chair had been in touch with the Governance team about updating the Council Member Appraisal form – this would come to the Remuneration and Nomination Committee (RemNom) in due course.

6. Decision Log

- 6.1 The Council **noted** that no decisions had been taken by correspondence since the last meeting of the Committee.

7. Corporate Strategy – Consultation Response

The Interim Associate Director, Policy and Research joined the meeting.

- 7.1 The Interim Associate Director, Policy and Research informed the Council that the consultation on the GDC's Corporate Strategy for 2023-2025 had closed on 6 September 2022 and that the organisation had received 291 responses. This was three times the level of responses to the previous consultation. The Council heard a broad outline of the responses to the consultation and noted that feedback had been taken on board to improve the Strategy, which would be considered in the following item.

- 7.2 The Council discussed that some responses to the consultation made clear that there remained work to be done to clarify the GDC's primary role to protect the public and promote public confidence in the professions. The Council noted that this role involved constructive engagement with the professions and that good regulation was in the interests of all; the public having confidence in the professions and the professions themselves.
- 7.3 The Council **noted** the report and approved the response to the consultation on the Corporate Strategy 2023-2025.

8. Corporate Strategy 2023-25

- 8.1 The Interim Associate Director, Policy and Research presented the Corporate Strategy to the Council. The Council heard that there had been some revisions, in light of the consultation responses, that appeared in the paper in tracked changes.
- 8.2 The Council **discussed** the following:
- a. From a presentation perspective, it would be useful to set the context of all of the organisation's regulatory activities earlier in the Strategy document. There was also merit in reconsidering and moving the passage referring to 'the vast majority of dental professionals...' into Strategic Aim Two, as this aim dealt with addressing concerns.
 - b. There was a natural tension between using precise language ('the Standards') and using language which was easy for the public - and those not directly involved in regulation - to understand ('high standards'). The Council agreed there was a balance to be struck and noted that, when explaining Strategic Aim One, 'high standards' was appropriate and using narrative such as, 'we set appropriate standards to ensure a high quality of care', would address that tension.
 - c. There was a need to be careful around how the organisation expressed its aims on equality, diversity and inclusion. The wording in the current iteration suggested that there might be discrimination in the GDC's regulatory functions, which was not what the evidence suggested, but it should be made clear that this was something the organisation wished to guard carefully against.
 - d. In relation to the reference to 'Promoting Professionalism' in Strategic Aim One – the wording should be amended to 'consult on' rather than 'consult and embed' as this suggested a pre-judgment of the consultation outcome.
 - e. In relation Strategic Aim Four – there was value in outlining the reform agenda in relation to the Hearings function.
- 8.3 With these drafting amendments addressed, the Council **approved** the Corporate Strategy 2023-2025.

The Interim Associate Director, Policy and Research left the meeting.

9. Costed Corporate Plan (CCP) 2023-25 and Budget 2023

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

- 9.1 The Chair, by way of introduction, noted that the Council had spent some considerable time discussing the CCP and Budget at an earlier meeting in September and in private session earlier in the day. The Finance and Performance Committee (FPC) had scrutinised five iterations of the work and had provided assurance to the Council that it recommended the three-year plan and budget for approval.

- 9.2 The Chief Operating Officer presented the final summary of the work and outlined that the portfolio plan was the organisation's plan for delivering its strategic objectives and the resource levels needed to deliver it resulted in the proposed budget and levels for Annual Retention Fees (ARF).
- 9.3 The Accounting Officer outlined his advice to the Council on:
- a. Income risk assumptions – there may be an issue with the organisation's income being affected by fluctuations in the register. This year no income caution had been applied and there was an assumption that the register would not grow. Any ongoing risks around the resilience of the professions had not crystallised in terms of a reduction in the registers. If this were to change within the course of the plan period, any resultant income shortfall would be likely to lead to a call on reserves.
 - b. Expenditure – there were various areas of uncertainty for the organisation in respect of expenditure. Workload was reactive, legislative change was necessary, the wider economic climate was unpredictable and there was a real inflation risk. If there was sustained inflation, there would be a steady increase in costs over the plan period and this would be offset by savings where possible. If this reached a level where it was not possible, the ARF would have to rise, but it would not rise higher than the Consumer Price Index.
 - c. The plan included costed risk provisions for areas of identified risk and the levels of reserves that the organisation needed to ensure prudent financial management and the delivery of its statutory functions. It was highly likely that calls on free reserves would need to be made over the plan period and the Accounting Officer strongly advised Council that the reserves should be replenished (to 4.5 months operating expenditure) if this were to take place.
 - d. The Accounting Officer's advice was that the plans and budget were robust and provided appropriate resource to deliver the strategic objectives.
- 9.4 The Chair of the FPC outlined the robust level of scrutiny that the Committee had undertaken to examine multiple iterations of this work and noted that the Committee had a high level of confidence in the plan and budget before the Council. The Committee supported the view of the Accounting Officer on reserves and noted that the Committee would conduct a regular review of opportunities to offset costs and it would scrutinise when and if financial risks were crystallising. The FPC recommended the plan and budget to the Council for approval.
- 9.5 The Council discussed the plan and budget and **noted** the Accounting Officer advice. Accordingly, the Council **approved** the Costed Corporate Plan 2023-2025, the approach to funding the CCP for this period (including the ARF for dentists and dental care professionals for 2023), and the 2023 Budget.

The Head of Business Intelligence, Delivery and PMO left the meeting.

10. Reserves Policy

- 10.1 The Associate Director, Finance presented the Reserves Policy and invited the Council to approve the position. The Council agreed that the free reserves should sit at:
- a. a minimum of three months',
 - b. a maximum of six months' and
 - c. a target level of four and a half months' operating expenditure.
- 10.2 The Council **approved** the Reserves Policy.

11. Annual Retention Fee Level Regulations

The Principal Advisory Lawyer joined the meeting.

11.1 Following the approval of the 2023 budget, the Principal Advisory Lawyer invited the Council to approve and make fees regulations to include new application fee levels and annual retention fee levels for 2023.

11.2 The Annual Retention Fees were set at the following levels:

- a. For dentists - £690 (an increase of £10 or 1.5%)
- b. For dental care professionals - £114 (no change)

11.3 The Council accordingly **approved and made**:

- a. The General Dental Council (Dentists)(Fees) Regulations 2022
- b. The General Dental Council (Professions Complementary to Dentistry) (Fees) 2022.

11.4 Application fee levels were set as outlined in the published regulations. Both sets of regulations were then signed and sealed at the close of the public session of Council.

The Associate Director, Finance and the Principal Advisory Lawyer left the meeting.

12. Promoting Professionalism

The Head of Upstream Regulation and a Policy Manager joined the meeting.

12.1 The Head of Upstream Regulation outlined the proposed plans for consultation upon the GDC moving to a new 'principles-based' model of regulation in relation to the setting of Standards and provision of guidance for the dental team.

12.2 In October 2021, the Council had considered and approved in principle the proposal to develop of a set of 'Principles of Professionalism', which would sit alongside a suite of regulatory guidance and supporting materials. In April 2021, the Council has sought assurance about this framework and a deeper understanding of how they might be implemented in the GDC's Fitness to Practise (FtP) processes.

12.3 The team sought approval to consult on a proposed Framework for Professionalism and outlined an engagement plan to support the consultation.

12.4 The CEO advised Council that he could not, at this time, provide assurance that the organisation could deliver the proposed changes. He explained that the work to ascertain this would be complex and resource intensive. His advice was that before resources were applied to such work, stakeholder appetite for the broad proposal should be ascertained.

12.5 The Council discussed the following:

- a. Whilst intellectually there was a clear case for adopting this approach, the organisation was under no illusions that a move in this direction would be a significant and complex change and it would take a concerted effort from operational teams and individuals to embed this approach. Any consultation must be a genuine attempt to understand the appetite and willingness of the professions to engage with this approach and the organisation must be confident that people could understand and engage with the consultation materials.
- b. One area where there was potential risk was in relation to the application of these principles by panellists. The organisation would need to be mindful of unintended consequences, such as additional cost or delay, when considering the direction of this work at any implementation stage. This could be drawn out in consultation.

- c. Any consultation should also make clear that there were 'off ramps' where the GDC might choose not to follow the proposed approach if it became clear that implementation was not feasible.
 - d. It was important to be clear that this was likely to be a long-term process and the Executive was not yet able to provide the Council with assurance about the deliverability of the proposals. The consultation should be clear on this point.
 - e. Some Council Members expressed considerable reservations about the form and substance of the consultation document, both in relation to how the whole dental team could understand and respond to it, and in relation to the questions asked. The team was asked to consider re-framing the questions posed to start further back – for example, making clear that the organisation was beginning to develop thinking, rather than suggesting this model was a foregone conclusion. The documents should make clear that there was still considerable uncertainty about feasibility.
 - f. The current iteration of the work did not appear to speak to a wider public audience and the team were asked to consider how patient and public views might be canvassed on the topic.
- 12.6 The Council noted that there was a need to consult with the public and professions about any move to a 'principles-based' approach to regulation but that took the view that this work was not ready. The Chair noted that it would be valuable for the Chairs' Group to consider the direction of travel for this work in greater detail.
- 12.7 The Council agreed that the proposals around the Scope of Practice, Professional Indemnity and Reporting Guidance could be hived off from the wider work and the Council **approved these elements for consultation**.

ACTION: Governance Team to liaise with the Chair to place Promoting Professionalism on the agenda for the next meeting of the Chairs' Group.

13. Appointment of External Auditors

The Associate Director, Finance joined the meeting.

- 13.1 The Associate Director, Finance informed the Council that, following a procurement exercise, the Council was being invited to appoint haysmacintyre as external auditor for a contract period of up to five years, subject an annual effectiveness review with the Audit and Risk Committee (ARC). The ARC had scrutinised the proposals and had recommended the appointment to the Council.
- 13.2 The Council noted that it was content that it had assurance in relation to Value for Money and noted the constraints of the current government procurement frameworks as they were increasingly less commercially viable for suppliers.
- 13.3 The Council **approved** the appointment of haysmacintyre as external auditors in line with the proposed contract terms.

The Associate Director, Finance left the meeting.

14. Any Other Business

- 14.1 There was no other business, and the meeting was closed at 14:45pm.