

**Minutes of the Meeting of the
General Dental Council
held at 11:45am on Thursday 3 October 2019
in Public Session
at 1 Colmore Square, Birmingham, B4 6AJ**

Council Members present:

William Moyes (Chair)
Anne Heal
Caroline Logan
Catherine Brady
Crispin Passmore
Geraldine Campbell
Jeyanthi John
Kirstie Moons
Margaret Kellett
Sheila Kumar
Simon Morrow
Terry Babbs

Executive in attendance:

Ian Brack Chief Executive and Registrar
Gurvinder Soomal Executive Director, Registration and Corporate Resources
Lisa Marie Williams Executive Director, Legal and Governance
Tom Scott Executive Director, FtP Transition
Sarah Keyes Executive Director, Organisational Development

Staff in attendance:

Lucy Chatwin Head of People Services (accompanying new Executive Director,
Organisational Development)
Colin MacKenzie Acting Head of Communications and Engagement
Ian Jackson Director for Scotland

Samantha Bache Head of Finance and Procurement (Items 9, 11 & 17)
David Criddle Head of Performance Reporting & PMO (Items 9, 11 & 17)
Tim Wright Head of Projects, Programmes and Portfolio Delivery (Item 10 only)
Melissa Sharp Head of In-House Legal Advisory Service (Item 12 only)
Katie Spears Interim Head of Governance (Secretary)
Paula Woodward Pfister Governance Consultant

In attendance:

Members of the public.

PART ONE – PRELIMINARY ITEMS

1. Opening remarks and apologies for absence

- 1.1. The Chair welcomed everyone to the meeting and introduced Sarah Keyes, Executive Director, Organisational Development.
- 1.2. Apologies were received from Rebecca Cooper, Interim Executive Director, Strategy.

2. Declarations of interest

- 2.1. All registrant Council Members declared an interest in relation to the setting of the Annual Retention Fee levels. All staff declared an interest in relation to the Estates item.

3. Questions submitted by members of the public

- 3.1. No questions had been submitted by members of the public.

4. Approval of minutes of the previous meetings

- 4.1. The Council **noted** that the full minutes of the public meeting held on 25 July 2019 had been approved via correspondence and a final version had been circulated to Council members by email on 28 August 2019.

5. Matters arising from the public Council meeting held on 25 July 2019 and rolling actions list

- 5.1. The Council **noted** the actions list and that the single action thereon remained live.

6. Decisions log

- 6.1. The Council **noted** that there had been no decisions taken in between meetings.

PART TWO – ITEMS FOR DECISION AND DISCUSSION

7. Chief Executive's Report

- 7.1. The Chief Executive provided the Council with an update in relation to the laying of the Annual Report and Accounts (ARA). This update had also been provided to the Audit and Risk Committee at its recent meeting.
- 7.2. The ARA had not yet been laid. As outlined previously, there had been an issue raised by the Comptroller & Auditor General (C&AG), which had now been addressed, however, Parliament had stopped sitting in the meantime, preventing the document being laid.
- 7.3. On a review of the process undertaken, a further issue was noted in relation to an oversight surrounding the letters of assurance from the Executive team, which were usually provided to the Accounting Officer. This was in the process of being corrected. To prevent this issue arising again, the internal process had been amended to include the Accounting Officer countersigning the letters. This issue had not occurred before and had arisen as an oversight as part of the handover process where staff had left the organisation. The Chief Executive, as Accounting Officer, noted that he had no concerns about the substance of the letters, and was confident that the process change would prevent the oversight happening again.
- 7.4. It was anticipated that the ARA would be ready to be laid by the end of October. The Council **noted** this update.
- 7.5. The Chief Executive also provided the Council with an update in relation to the organisation's progress in relation to the achieving Professional Standards Authority (PSA) Standards.

- 7.6. The Chief Executive outlined that, in the PSA report of 2019, the organisation had achieved 22 of the 24 Standards. It did not achieve Standard 6, on Fitness to Practise timeliness, and did not achieve Standard 10, on information security. In relation to information security, there was a conflict between the expectations of the PSA in this area and the requirements of the Information Commissioner's Office. As the organisation was obliged to comply with the requirements of the ICO, the organisation was unlikely to be able to achieve Standard 10.
- 7.7. The Council discussed whether the organisation was on the right path to achieve the standard in relation to timeliness. It was noted that the move to Birmingham had impacted on the improvements implemented as part of the End to End Review of Fitness to Practise and that it was hoped that in 12 months' time performance reports would reflect the changes made.
- 7.8. In relation to this year's work, the review by the PSA had commenced on 7 May 2019 and on 12 August they had commenced a detailed review on a range of Standards. The PSA had asked 33 questions and been provided with a 45-page response. The next PSA panel meeting outcome was expected early in October. The PSA had announced a revision of Standards in July 2018, and trialled Standards 2, 4 and 5. It had been confirmed that the GDC had been adjudged to meet these piloted Standards. These new Standards would be implemented for the 2019-2020 assessment and the PSA would rely on the information gathered during the pilot exercise as the evidence base for that assessment. The organisation was working closely with the PSA in relation to its assessment for this year.
- 7.9. The Council **discussed** and **noted** the update.

8. Corporate Strategy 2020-22

- 8.1. The Chief Executive presented the paper seeking Council's approval for the publication of the Corporate Strategy 2020-2022 and the report of the responses to the consultation. The Corporate Strategy document had been revised to incorporate the responses from the consultation and the comments from Council provided at the Special Council meeting in September. The Council had been advised that the report had been reviewed, by Policy and Legal colleagues, to ensure that it accurately reflected the feedback given in the consultation.
- 8.2. The Council **discussed** the following:
 - 8.2.1. The learning that the Executive had taken from the planning process in this first iteration of the Corporate Strategy and accompanying Costed Corporate Plan (CCP). The Committees of Council had been invaluable in helping shape the work and scrutinise the process. The process had been challenging in its first iteration but, as the organisation matured, it would get much easier.
 - 8.2.2. The low level of responses in relation to the consultation was interesting and the Council discussed whether there were different methods of consulting that could be considered to enable deeper conversations with those who were interested in the work being proposed. The Council noted that the level of interaction with professional bodies was more productive now and that engagement was likely to increase as the words of the strategy, transformed into activities being delivered within the CCP. There was work to be done to ensure that the public had regular fora for contact with the organisation and were provided with a wider context about its work.
 - 8.2.3. There was useful work to be done around the publications programme for 2020 and a discussion about how this work fits together. A Council workshop was planned for December 2019 on this topic.
- 8.3. The Council **approved** the publication of the Corporate Strategy 2020-2022 and the report on the response to the consultation.

9. Costed Corporate Plan 2020-2022 and Budget (CCP)

The Head of Performance Reporting and PMO and the Head of Finance & Procurement joined the meeting.

- 9.1. The Executive Director, Registration & Corporate Resources introduced the paper, with support from the Head of Performance Reporting and PMO and the Head of Finance & Procurement, seeking approval of the CCP and the Budget 2020.
- 9.2. The CCP was designed to give a consolidated view of the project and portfolio activity for the organisation over the next three years and was aimed at delivering the strategic aims in the Corporate Strategy. The Council were taken through the proposed costed corporate plan, including the budget, headcount and portfolio proposals. The SLT had reviewed the latest iteration of the work and confirmed that the activities were aligned to the aims of the Corporate Strategy.
- 9.3. The total budget envelope for the planning period was £121.6m. This was £1.4m less than the forecast level contained in the consultation. The budget envelope for 2020 was £40.43m. The Council were asked to approve the portfolio plan, budget and headcount.
- 9.4. The Council **discussed** the following:
 - 9.4.1. There had been a detailed discussion of this work at the Special Council meeting in September and the earlier iterations of this work had been commenced in March 2019. The feedback from Council had been incorporated.
 - 9.4.2. The Council heard from the Chair of the Finance and Performance Committee (FPC) and noted that the CCP and Budget had been the subject of considerable scrutiny within this Committee. This was the ninth iteration of the work. The FPC had formally challenged and scrutinised this work on four occasions and were confident to recommend it to Council.
 - 9.4.3. The Council discussed the extent to which earlier discussions of this work could have been conducted in public and agreed that there were competing and important priorities around transparency and the responsibility of the organisation to ensure that very early iterations of strategic planning were not publicly aired before they formed a considered part of the organisation's approach.
 - 9.4.4. The Council also noted the importance of communications around this type of work and the importance of communicating the framework this plan provided, whilst also enabling flexibility to respond to external factors.
 - 9.4.5. The Council also noted that this plan provided a framework of policies and strategies which set out its ambition. The programmes of work around Shifting the Balance, Moving Upstream and fees had happened alongside the review and overhaul of the ways of working within the organisation. The GDC had invested in IT, it had overhauled organisational design, moved people and location and transformed the way in which it recruited and retained people. There had also been a transformation in the way in which the organisation now planned, forecast and controlled its finances, and that hard work had allowed the organisation to set out its strategic ambitions, with their attendant costs, and explain the implications of that to those that were regulated by it.
 - 9.4.6. The Council noted that there had been robust assurance processes in the planning and budget setting work, which had also allowed a 6% reduction in operating expenditure for the draft 2020 budget.
- 9.5. The Council accordingly **approved** the contents of the CCP and Budget.

The Head of Performance Reporting and PMO and the Head of Finance & Procurement joined the meeting.

10. Registration Fees Policy Implementation

The Head of Projects, Programmes and Portfolio Delivery joined the meeting.

- 10.1. The Executive Director, Registration & Corporate Resources introduced the paper, with support from the Head of Projects, Programmes and Portfolio Delivery. They sought the Council's approval for the method of implementation of the fees policy around registration scrutiny fees and its approval of the preferred option in relation to the recovery of fees; Option 1, the recovery of only the direct costs of registration processing. If approved, the implementation date would be 2 January 2020.
- 10.2. The Council **discussed** the following:
 - 10.2.1. The Council had set a fees policy for the organisation some time ago and the introduction of these scrutiny fees had formed part of the consultation around that policy. This work would help address one of the key issues that the organisation faced at present, in that there was work being carried out on overseas applications to the registers which was effectively being subsidised by UK applicants, via their annual retention fees (ARF). This work served to help remove that element of cross subsidy, in line with the fees policy.
 - 10.2.2. The robust financial planning and organisational approach taken as part of the work around the Corporate Strategy and CCP, meant that there was scope for the Council to approve a reduction in the ARF. The organisation was not recouping that saving 'by the back door' with these fees. The fees were expected to generate around £2m across the planning period and the reduction in the ARF would amount to a saving of around £20.7m.
 - 10.2.3. The Council noted that one of the key drivers for introducing these fees was the application failure rate of around two in ten applications failing. To reduce cross subsidy, it was fairer for those applicants who were making the application to bear its costs, than to spread that cost over all registrants.
 - 10.2.4. The Council heard from the Chair of the FPC and noted that the Committee had scrutinised this work, to ensure that it was being carried out in line with policy decisions made by the Council. They were confident that this approach produced a fairer system.
 - 10.2.5. The Council discussed the communications piece around this work and the need to engage with its various registrant groups in a dynamic way. It was agreed that it would be useful to put together the information in tabular form as to how the fees would impact different registrant groups, so that the information was easily accessible to all.
 - 10.2.6. The Council also discussed the need to be confident that the proposed fees were not a barrier to entry or a restriction on the right to freedom of movement and were assured that the Executive had been very much alive to this consideration, had taken appropriate advice and were confident that this was a fair approach, bearing in mind the legal obligations.
 - 10.2.7. The Council discussed the changing landscape around EU Exit and the need to keep a watching brief on that position. It was important to provide stability for registrants and this policy implementation approach would be reviewed at the end of the planning period to ensure that it remained the most appropriate method of delivering on the Council's fees policy.
- 10.3. The Council thanked the team for their hard work on this item and noted that the analysis contained within the paper had been helpful.
- 10.4. The Council **approved** the approach to the implementation of the fees policy and **approved** the preferred option in relation to the recovery of fees; Option 1, the recovery of only the direct costs of registration processing. Draft fees regulations would be brought to Council in December and, if approved, would take effect on 2 January 2020.

The Head of Projects, Programmes and Portfolio Delivery left the meeting.

11. Annual Retention Fee Levels – Funding the CCP

The Head of Performance Reporting and PMO and the Head of Finance & Procurement joined the meeting.

- 11.1. The Executive Director, Registration & Corporate Resources introduced the paper, with support from the Head of Performance Reporting and PMO and the Head of Finance & Procurement, seeking approval of the proposed method of funding the CCP and the proposed level of annual retention fees for 2020.
- 11.2. The Council discussed that the forecast level of free reserves at the end of the planning period, December 2022, was 4.8 months operating expenditure. The range at the start of the planning period had been between 4 to 6 months operating expenditure and had been brought down to 4.5 months, as this was prudent for an organisation, with this risk profile, that was not seeking to build up excessive reserve levels.
- 11.3. The figures proposed represented a £20.7m reduction in operating expenditure, against a forecast income of around £2m from registration scrutiny fees. This represented almost £25m that the organisation was shaving off expenditure, without compromising on quality. This was a fundamental change in the organisational approach. If the organisation met its reserve target ahead of the end of the planning period, there was scope to consider a rebate in the next planning period. This would be a matter for Council, with advice from the Accounting Officer, and would need careful consideration.
- 11.4. The Council **approved** the proposed method of funding the CCP and **set the level of annual retention fees** for 2020 as follows:
 - 11.4.1. In relation to dentists, at £680 annually.
 - 11.4.2. In relation to dental care professionals, at £114 annually.
- 11.5. The Council rose for a lunch break between 13:15 and 13:45pm and invited any members of the public present at the meeting to join the refreshments.

The Head of Performance Reporting and PMO and the Head of Finance & Procurement left the meeting.

12. Annual Retention Fees Regulations

The Head of In-House Legal Advisory Service joined the meeting.

- 12.1. The Head of In-House Legal Advisory Service invited the Council to make the following sets of fees regulations, in line with their earlier decision on the level of annual retention fees set for both dentists and dental care professionals:
 - 12.1.1. The General Dental Council (Dentists) (Fees) Regulations 2019; and
 - 12.1.2. The General Dental Council (Professions Complementary to Dentistry) (Fees) Regulations 2019.
- 12.2. The Council **approved** the draft regulations and accordingly **made the fees regulations** in the terms outlined above. They would come into force on 29 October 2019 when they were sealed. In December, new regulations would be brought before Council to incorporate the decision made earlier in the meeting around registration scrutiny fees.

The Head of In-House Legal Advisory Service left the meeting.

13. Estates Strategy Programme Update

- 13.1. The Executive Director, Registration & Corporate Resources presented the paper providing the Council with an update on the work recently undertaken within the Estates Programme.
- 13.2. In relation to Strand 1 of the programme, there was an end of project review and benefits realisation piece taking place which would be brought before Council in due course.

- 13.3. In relation to Strand 2, the Wimpole Street refit contract had been awarded to Wates Smart Space and the nine-week programme of works was due to commence the following week. There was a weekly communications exercise with staff to keep them informed about the progress of the works and their impact.
- 13.4. There was another cohort of staff leaving as part of Strand 2 in January 2020. These staff had been given access to outplacement support and over 70 people had accessed this service. 80% of the recruitment had now been completed and this had been done through minimal reliance on agencies.
- 13.5. The Council noted that there had been a deep dive on Estates with the Audit and Risk Committee (ARC) and a financial deep dive on the programme was planned for the FPC and the ARC.
- 13.6. The Council discussed the attrition rates for new staff and noted that it was lower than average but was being monitored. Work was ongoing to ensure that the GDC was a positive place to work and regular pulse surveys were planned to ascertain how new starters were finding the environment, induction and support.
- 13.7. The Council also discussed the importance of ensuring that roles were available to a wide section of the community, including those with caring responsibilities, and noted that the GDC's flexible working policy was attractive in this respect.
- 13.8. The Council discussed the need to ensure that these ambitious programmes were having the right impact on the culture of the organisation and noted that the staff survey would provide interesting material around testing the temperature of the staff in this respect. The Council heard that the staff survey had recently been considered at the Remuneration Committee and Council would be sighted on the work in response to the feedback from it in due course.
- 13.9. The Council requested that some thought be given to how Council could be assured that the culture of the organisation was consistent with its delivery ambitions and asked to be sighted on that initial thinking in the first part of 2020.
- 13.10. The Council **noted** the update.

Action: The Chief Executive and Executive Director, Organisational Development to consider how to provide the appropriate assurance to Council that the culture of the organisation was aligned with delivery ambitions.

14. Annual Customer Service Reports: Fitness to Practise

- 14.1. The Executive Director, FtP Transition presented the paper which re-presented the data in relation to the annual customer service reports for Fitness to Practise.
- 14.2. The Council **discussed** the following:
 - 14.2.1. The feedback from the survey outlined that there might be work to be done around the awareness of the witness support service and widening its access.
 - 14.2.2. From the actions log from the July Council meeting, the Council noted that it had been anticipating a different paper from that which was presented today as the interest had been to establish what the proposition would be for conducting this work in 2020, rather than a re-presentation of the data. It was outlined that work was being conducted to consider the best way in which to access greater levels of response, but no detailed action plans had been drawn up as this would require a resource commitment to a project that might produce quite sparse returns.
 - 14.2.3. The Council noted that there was work planned in the second phase of the End to End Review to pilot conducting proactive surveys and that this survey was not the only place from which feedback from participants was drawn. There were multiple stakeholder events as well.
- 14.3. The Council **noted** the paper.

Action: Executive Director, FtP Transition to consider the most suitable approach to obtaining customer service feedback for FtP and to bring those proposals back to Council in Quarter 1 of 2020.

15. Committee Appointments and Appointment of the Senior Independent Council Member (SIM)

- 15.1. The Chair introduced the paper which outlined the proposed appointments to the membership of the non-statutory Committees of the GDC and the appointment of the Senior Independent Council Member.
- 15.2. The Chair had discussed with Council members their preferences in relation to Committee membership and the outcome of those discussions had resulted in one suggested change, that was, for Jeyanthi John to move from the Policy and Research Board to become an additional member of the Remuneration Committee.
- 15.3. For each of the non-statutory Committees, the proposed terms of membership were as follows:
 - 15.3.1. The proposed term of office for all eligible Committee members was two years (to end on 30 September 2021).
 - 15.3.2. Three Council members were due to demit office in 2020. These were Geraldine Campbell, Kirstie Moons and Margaret Kellett. In relation to these Council members, the proposed term of office within their respective Committees was one year (to end on 30 September 2020).
 - 15.3.3. There were three Council members standing for reappointment in 2020. These were Sheila Kumar, Crispin Passmore and Caroline Logan. Their two-year proposed term of office would be subject to the Privy Council approval of their second term as Council members.
- 15.4. The proposed Committee appointments were as follows:
 - 15.4.1. **Audit and Risk Committee:** Crispin Passmore (Chair), Catherine Brady, Simon Morrow, Sheila Kumar and Rajeev Arya (independent member).
 - 15.4.2. **Finance and Performance Committee:** Terry Babbs (Chair), Margaret Kellett, Kirstie Moons and Anne Heal.
 - 15.4.3. **Remuneration Committee:** Geraldine Campbell (Chair), Anne Heal, Caroline Logan, Jeyanthi John and Ann Brown (independent member).
 - 15.4.4. **Policy and Research Board:** Kirstie Moons (Chair), Margaret Kellett, Catherine Brady, Simon Morrow, Caroline Logan and Geraldine Campbell.
- 15.5. It was also proposed that Terry Babbs to remain as the SIM for a further term of two years (to end 30 September 2021).
- 15.6. The Council **discussed** and **approved** the proposed Committee appointments and the appointment of the Senior Independent Council Member for the terms suggested.

Action: Interim Head of Governance to issue appointment letters to all relevant Committee members.

16. Appointment of Independent Member of the Remuneration Committee

- 16.1. The Executive Director, Legal & Governance, presented the paper which outlined the proposed appointment of Ann Brown as the Independent Member of the Remuneration Committee for the term of four years (to end 30 September 2023).
- 16.2. The Council **discussed** and **approved** the appointment of Ann Brown as the Independent Member of the Remuneration Committee for the term of four years (to end 30 September 2023).

Action: Interim Head of Governance to issue appointment letter to Ann Brown.

17. Organisational Performance: Finance Review and Balanced Scorecard for Q2 2019

The Head of Performance Reporting and PMO and the Head of Finance & Procurement joined the meeting.

- 17.1. The Head of Performance Reporting and PMO and the Head of Finance & Procurement introduced the paper outlining the finance review and balanced scorecard performance reports for the second quarter of 2019.
- 17.2. The Council **discussed** the following:
 - 17.2.1. The discussions that had taken place at the Council workshop on the preceding day indicated that there was a need to rethink the way in which performance was reported to Council to ensure that more high level and strategic indicators were being presented.
 - 17.2.2. The Council queried whether there were any issues with the control environment around adherence to purchase order policy as there had been an increase in invoices being received where a purchase order had not been raised. The Council noted that this data related to Quarter 2 and that the actions that had arisen from this had been picked up and addressed.
 - 17.2.3. The Council questioned whether there was any link between the level of data breaches and business continuity. The Council noted that there was nothing to suggest that the induction provided to new staff on data security was insufficient but there were often human errors where some of the most voluminous and sensitive information lay within the organisation.
 - 17.2.4. The issue of timeliness within Fitness to Practise remained a concern for Council and the Council discussed whether the performance indicators were currently the right measures of the what the Council needed to see to feel assured in this area. The Council were keen to see a roadmap for progress in this area. This matter was on the workplan for the FPC as well.
- 17.3. The Council **noted** the update.

Action: Executive Director, FtP Transition to consider how best to provide assurance to Council around the FTP performance indicators, particularly in relation to timeliness, and bring back a roadmap to Council in Q1 2020, after SLT and FPC.

18. Dental Complaints Service – Performance Report Q2 2019

- 18.1. The Executive Director, FtP Transition presented the paper which outlined the performance of the Dental Complaints Service (DCS) for the second quarter of 2019. The Council heard that there was work proposed, as part of the DCS Review – Phase 2, to develop a system wide handling of complaints across the different dental professions and to shape the evolution of that process.
- 18.2. The Council **discussed** the following:
 - 18.2.1. The interaction between those who used the DCS and their indemnity providers and the high level of case outcomes where a full refund was provided. The Council were keen to establish whether these outcomes were accompanied by evidence of insight and/or apology and it was outlined that the outcomes where a full refund was issued were generally accompanied by an apology from the registrant.
 - 18.2.2. The need for the reporting on this work to include early unfacilitated resolution because the data, as currently presented, appeared to suggest that there were high levels of enquiries that ended in no action or assistance being given.
 - 18.2.3. The need for accuracy in relation to the categorisation of certain categories of dental treatment within the grid displayed at paragraph 2.6.
- 18.3. The Council **noted** the update.

Action: The DCS Head of Operations to work with clinical colleagues to ensure accuracy of reporting in relation to the categories of dental work used in the tables in the report and to outline clearly the disposal of Level 1 complaints that were being actioned by the service.

19. Horizon Scanning and Stakeholder Engagement Reports

- 19.1. The Interim Head of Communications & Engagement presented the paper outlining an update on the current external environment to the GDC and an update on recent stakeholder engagement.
- 19.2. The Council **noted** that there had been a new ministerial appointment and that a meeting had been requested. The Council also noted that there had been 12 presentations to foundation dentists across the UK and were pleased that this had continued even whilst the Strategy team were depleted.
- 19.3. The Council **noted** the update.

PART FOUR - CONCLUSION OF BUSINESS

20. Any other Business

- 20.1. The Council noted that this was the last meeting for Ian Jackson, Director for Scotland, and thanked him for his support to Council, his hard work over the past 11 years and wished him a pleasant retirement.

21. Review of the meeting

- 21.1. The Council noted that the day had been quite a long session and energy levels had dropped somewhat in the afternoon but were pleased with the approach to considering whether papers could have been best tabled in the public session. Any concerns or thanks around papers had been raised as the items were tackled.

22. Close of the meeting

- 22.1. There being no further business, the meeting ended at 15:25pm.

Date of next meeting: 5 December 2019 (Birmingham)

Name of Chair: William Moyes