



Meeting of Council

Minutes of the 118th meeting of Council held in public on Thursday 2 February 2023, hosted via Go-to-Meeting video conference

Confirmed

Chair: Dr Bill Gunnyeon

Present: Dr Daniel Bailey
Prof. Deborah Bowman (Chair, Policy & Education Committee)
Sarah Botterill (Chair, People Committee)
Elizabeth Elander
Caroline Guy
Shireen Ismail (Council Associate)
Harriet Lambert (Council Associate)
Simeon London
Dr Patricia McClure
Dr Denis Shaughnessy (Chair, Audit Committee)
Deborah Smith

Presenting: Fiona Browne, Director, Education, Standards and Development
David Bryan, Regulation Manager (Items 8)
Dr Stacey Clift, Senior Policy Officer (Item 10)
Rachel Heatley, Senior Policy Officer (Item 9)
Sheleen McCormack, Director of Fitness to Practise
Liz Niman, Head of Communications, Engagement and Insight
Matthew Redford, Chief Executive and Registrar
Maxine Supersaud, Head of Resources and Assurance

In Attendance: Steven Bettles, Policy Manager
Jess Davies, Senior Engagement and Communications Officer
Banye Kanon, Senior Quality Assurance Officer
Marcia Scott, Council and Executive Support Officer

Observers: Collette Byrne, Scrutiny Officer, Professional Standards Authority (PSA)
Maurice Cheng, Chief Executive, Institute of Osteopathy (iO)
Jen Rimmer, Registrant

Item 1: Welcome and apologies

The Chair welcomed all to the meeting. A special welcome was extended to Registrant observer, Jen Rimmer.

Item 2: Questions from Observers

1. There were no questions from observers.

Item 3: Minutes of the meeting November 2022

2. The minutes of the 117th meeting, 16 November 2022, were agreed as a correct record.

Item 4: Matters arising

3. The Chief Executive introduced the report and asked that Council note the actions highlighted had been completed.
4. The matter arising related to the London College of Osteopathic Medicine: Withdrawal of Recognised Qualification (RQ): Council was advised that Privy Council have now confirmed the withdrawal of the RQ for the London College of Osteopathic Medicine.

Noted: Council noted the matters arising.

Item 5: Chair's Report (including appointment and reappointments)

5. The Chair introduced his report which included an update on appointment activity since the November 2022 Council meeting. The following points were made and highlighted:
 - a. Since the previous meeting of Council, members have agreed via email, to appoint Laura Turner to the role of Council Associate. Laura will take up her post from 1 April 2023 for a period of two years.
 - b. The February 2023 Council meeting represents the last for Shireen Ismail in her role as Council Associate. The Chair on behalf of Council thanked Shireen for her contributions to Council and, with Harriet Lambert, for being the first registrants to be appointed to the Council Associates Programme (CA) in 2022.
 - c. Reflecting on her term as a Council Associate Shireen thanked Council for the opportunity to participate as a member of the GOsC's governance structure. It had been a steep learning curve, but the experience had given her a new found appreciation, insight and understanding of the responsibilities associated with being a member of Council, the in-depth papers prepared for meetings and the scrutiny of the work undertaken in relation to the operation and procedures of the GOsC.
 - d. A number of changes are proposed to GOsC committee membership (Audit, People and Policy & Education Committees), to be effective from 1 April 2023. The changes mitigate the risk of committees not having continuity of membership when there will be at least a 40% turnover of Council members in 2024. The changes proposed are:

- Liz Elander to move from the Policy and Education Committee to the People Committee
 - Simeon London to move from the People Committee to the Policy and Education Committee
 - Caroline Guy to be co-opted to the Audit Committee and remain a member of the People Committee.
6. Council had no further comments in relation to the Chairs report or the proposed changes to Committee membership.

Agreed: Council agreed the appointment of Laura Turner as the next Council Associate from 1 April 2023 for a period of two years.

Agreed: Council agreed the changes to the committee composition effective from 1 April 2023:

- **Elizabeth Elander moves from the Policy Education Committee to the People Committee.**
- **Simeon London moves from the People Committee to the Policy and Education Committee.**
- **Caroline Guy is co-opted onto the Audit Committee as an additional member.**

Item 6: Chief Executive and Registrar's Report

7. The Chief Executive introduced the report which provided a review of activities and performance since the previous Council meeting, November 2022, and not reported elsewhere on the agenda.
8. The key messages and following points were highlighted:
- a. An external audit tender process has been conducted. The selection panel's recommendation was presented electronically to Audit Committee and now to Council. Three companies were interviewed, and the recommendation is that Hays Macintyre replace the current auditors, Crowe LLP.
 - b. Dialogue with the PSA is ongoing and is beneficial both in terms of the PSA's understanding of the work of the GOsC and, for the GOsC, understanding questions or concerns the PSA may have while going through the current performance review cycle.
 - c. The Executive have received a Draft Compliance Notice for the new Welsh Language Standards. The Chief Executive and Registrar and Senior Engagement and Insight Officer are working through the Compliance Notice. The deadline for the GOsC response is 22 March 2023.

- d. The research GOsC has co-funded into Under-represented Groups Experiences of Osteopathic Education and Training (UrGEnT) is progressing very well. A seminar is planned for April 2023.
 - e. The work, support and contributions made to the GOsC by Stephen Ladbrooke, Facilities Manager, and Carl Pattenden, IT Manager, were acknowledged. Both would be leaving the GOsC during February and were offered all best wishes for the future.
9. In discussion the following points were made and responded to:
- a. Audit Tender: It was confirmed that Crowe LLP had made the decision not to re-tender. It was confirmed that the comparative costs of the tender submissions considered were competitive across the board. Hays MacIntyre had demonstrated their experience and knowledge and have worked with many of the Health Regulators including the General Medical Council, General Dental Council and the Nursing and Midwifery Council. Hays Macintyre also recognise the challenges facing the health sector and demonstrated a recognition of the specific needs of the GOsC. The Chair of the Audit Committee confirmed he was satisfied with the recommendation and the expected cost for the work to be conducted by the auditors.
 - b. The Chair, on behalf of Council and the Audit Committee, thanked Crowe LLP for its work as GOsC's auditors and for the support during the years of the pandemic and the period of 'lock-down'. A formal letter of thanks would be written and sent to the Crowe.
 - c. Welsh Language Standards: Members were advised that the Executive are currently working through the new Welsh standards to ensure that current communications processes will encompass requirements and ensure that the GOsC are promoting the Welsh Language Scheme. There may be costs incurred where the translation of documents may be required, this has been included within the appropriate budgets. Where an issue, or issues of concern, do present these will be brought to the attention of Council.
 - d. PSA Consultation: Members were advised that the GOsC position on the response to the PSA consultation is broadly supportive of the strategic aims but will include suggestions / comments.
 - e. Northern Ireland Meeting: Dr Patricia McClure reflected on her attendance at the meeting which had been good and very useful. The meeting highlighted the lack of an education programme, and this would be followed up with the Institute of Osteopathy to consider how to facilitate. Future meetings are planned and will be especially helpful to those registrants who often work in isolation.

- f. YouGov Perceptions survey: In response to a question about the YouGov Perceptions survey, members were informed that headline findings from the tracker survey, which has been running for a number of years, will be presented at the March 2023 meeting of the Policy and Education Committee. That paper will be available to Council members for review in the members private document library on DocMonster.
10. Business Plan Monitoring: Reporting period to 31 December 2022: The Chief Executive Informed Council that there had been no significant changes to date but asked the members note that options for expanding the pool of fitness to practise panel members have been considered however this is not permitted under the current legislation.
11. In discussion the following points were made and responded to:
- a. It was noted that IT security will be an activity under scrutiny by the Audit Committee.
 - b. The Chief Executive commented that the need to be realistic in terms of what can be achieved on the Business Plan, in terms of staff resources and time, is recognised. It was noted that activities deferred are carefully considered and, if not business critical, would be deferred to a later date for action/completion. Members also commented that it is recognised that the Business Plan has been, and continues to be, ambitious and that reprioritising activities as appropriate is a realistic approach.
 - c. It was noted and confirmed that consideration of social media in relation to the Osteopathic Practice Standards (OPS) would be kept under review.
12. Finance Report: nine months to 31 December 2022: the Head of Assurance and Resources introduced the Finance Report highlighting the following:
- a. Uncertainty remains due to high interest rates and continuing fluctuations within markets.
 - b. Cost efficiency savings through new and innovative ways of working have been made but these have been offset through ongoing cost increases across the board.
 - c. The GOsC is continuing with a hybrid working model and it is recognised that this will require additional infrastructure investment.
 - d. To date the forecast for the end of the financial year, March 31, 2023, is looking towards a surplus of £37k.
13. In discussion the following points were made and responded to:

- a. Members were advised that although the markets remain volatile the GOsC do have a good investment model, but it is still necessary to keep under review.
- b. It was confirmed that discussions have taken place with the GOsC's investment advisors with regards to the investment portfolio but in the current climate, and with the potential for market volatility, trends remain difficult to predict.

Noted: Council noted the update on the process for the appointment of the external auditors.

Agreed: Council agreed the recommendation of the Audit Committee to appoint Hays Macintyre

Noted: Council noted the content of report.

Item 7: Business Plan and Budget 2023-24

14. The Chief Executive introduced the item which provided Council with the draft Business plan and Budget for 2023-24.
15. The key messages and following points were highlighted:
 - a. The draft Business Plan for 2023-24 was presented and represents the final year of the Strategic Plan 2019-24. The budget for 2023-24 was also presented.
 - b. Business Plan activities are set out against the four Strategic Plan goals, with the plan identifying new activity introduced in 2023-24.
 - c. The income budget has been prepared with registration fees being frozen for the ninth successive year, following a period of fee reductions 2012-14. This means the GOsC has absorbed +£300k of lost income over the same period.
 - d. The 2023-24 budget has been balanced with a small surplus of c.£15k forecast.
 - e. The expenditure budget is similar to previous years but with some noticeable differences that demonstrate the Executive have taken active steps to rebalance where resources are to be deployed.
 - f. An Equality Impact Assessment has also been completed for the introduction of the Business Plan and Budget 2023-24.

16. In discussion the following points were made and responded to:

Business Plan

- a. Although members expressed some concern that the list of activities included in the Business Plan was extensive, it was pointed out that the number of activities were in fact fewer than in previous years and

considered achievable. It was also highlighted that a significant activity would be the forthcoming Governance recruitment round which has a specified timeline and cannot be delayed or changed. Council would be informed of any activities that allowed for some flexibility and could become delayed or deferred.

- b. A correction was noted on the Fitness to Practice and Legal cost, page 6 of Annex B. The budget table header showed the incorrect financial periods and would be corrected.
 - c. In response to a question about the decision-making process in developing the Business Plan and how activities are prioritised it was explained that these decisions are dependent on a number of factors and carefully considered by relevant parties (the Executive and/or the Committees). It was agreed the development and subsequent monitoring process could be made more transparent, and an initial suggestion was for the Business Plan and monitoring to include narrative on the decision-making process.
 - d. It was confirmed that an activity to consider how to mitigate the potential reductions in student numbers and enhance student engagement for the future would be addressed as part of the new Strategic Plan. The potential impact on income due to a reduction in the number of applications to join the register was also an issue which is being actively considered by the Executive; what can be done to protect income streams and the organisations viability?
 - e. Although it was suggested that the banking tender would be an operational activity for future consideration, Council expressed an interest in the governance arrangements for the process.
 - f. Corporate Social Responsibility (CSR): It was agreed that a more in-depth discussion should take place as a future topic for a Council Seminar.
 - g. It was suggested and agreed areas described with a timeframe of 'all-year' should include more detail.
17. Budget 2023-24: Council was advised that although there would be an overall reduction in spend to ensure efficiency there would be specific areas of activity where there would be increases; in employment cost and quality assurance activity. There are reductions across the board including communications cost and costs relating to IT infrastructure.
18. The budget is positive and will support the business plan as set out. The GOsC's financial position is healthy and will adapt to impacts arising from the overall economic position.
19. In discussion the following points were made and responded to:

- a. It was confirmed that the IT Project cost would not be considered as part of the everyday operational costs.
- b. Council was also advised that IT provision and associated costs are covered by two specific areas:
 - Infrastructure
 - Employment costs

Previously the IT provision included the Cloud Engage Project cost and therefore was inflated. The cost for any future project will no longer be reflected in the operational cost budget.

- c. It was confirmed that the figures contained in the governance grid would be corrected and the corrected version circulated to Council.
- d. It was confirmed that the costs associated with the Council Associate Scheme are accommodated within the Council Budget.

20. The Chair thanked the Executive and the staff teams for all the work undertaken to develop the Business Plan and a robust but flexible and realistic budget

Noted: Council considered and noted the draft Business Plan 2023-24. Further discussion will take place at the meeting of Council in May 2023.

Noted: Council considered and, subject to corrections, approved the draft Budget 2023-24. A corrected version of the Budget 2023-24 will be circulated to Council. Further discussion will take place at the meeting of Council in May 2023 or July 2023 including how IT investment will be funded.

Noted: Council noted the Equality Impact Assessment.

Item 8: Fitness to Practise Report

21. The Director of Fitness to Practise introduced the report which provided Council with the quarterly update on the work of the Regulation department and the GOsC's Fitness to Practise committees.
22. The key messages and following points were highlighted:
 - a. In this reporting period, there was a 31% increase in the total number of new concerns (twenty-one in Q3 compared to sixteen in Q2). This aligns with pre-pandemic levels. Sixteen concerns were made formal in this reporting period – the most since Q4 2019/20.
 - b. There have been five Interim Suspension Order (ISO) applications during the reporting period. The rise in applications reflects the increase in third party investigations.

- c. It should be noted that 40% of the Regulation caseload are currently with the Police for investigation and this aligns with the severity of the cases referred.
- d. An appeal against a Section 32 prosecution has submitted to the Courts. The appeal hearing is scheduled to take place on 17 March 2023, at Worcester Crown Court. This will be an Appeal as of Right meaning that:
 - the appellant is not required to lay grounds of appeal before the Court.
 - the appeal will take place by way of a re-hearing meaning that the original prosecution and conviction heard at magistrate's court will not be considered during the appeal proceedings, overseen by a Recorder, a Judge that sits on Crown Court and deals with complex criminal matters and matters relating to appeals.

This will be the GOsC's first appeal against a Section 32 finding and the appeal hearing will be attended by the Director of FtP (Fitness to Practice) and the Regulation Manager. Council will be kept informed of developments.

- e. On 4 October 2022, the GOsC hosted a joint live FtP online seminar with the General Chiropractic Council (GCC). It was a successful event reflecting good inter-regulatory working and the successful work of the Communications team.

23. In discussion the following points were made and responded to:

- a. Members asked what impact there might be on the statistics if the cases, due to third-party investigations, out of the control of the GOsC were removed? It was noted that many of the cases impacted by third-party investigations relate to infringement of boundaries.
- b. It was commented that considerable care would need to be taken if consideration is given to the removal of cases considered out of the control or influence of the GOsC. The action could be misinterpreted though the intent is understood. Points to consider are:
 - What are the factors leading to cases being beyond control of the GOsC?
 - How can these factors be flagged within in the dataset?
 - What is in place to allow influence to raise awareness?
 - Not all factors which are out of the control factors are equal and would require differentiation.
 - What can be influenced where there are issues deemed outwith the control of the regulator?
- c. The points raised regarding the cases impacted by third-party investigations were noted and is recognised as an issue for all the Health Regulators and the Professional Standards Authority. Following a recent meeting it was reported that the PSA are looking to amend the quarterly dataset requirement to acquire an understanding of the timeliness and progression of cases and the impact of third-party investigations.

- d. It was noted that as part of the Business Plan 2023-24 an activity to develop a film/animation or a series of films/animations by the end of 2023. This will assist stakeholders in their understanding and learning of the fitness to practise processes.
- e. It was confirmed that the case concerning the Section 32 appeal was still open and, pending the outcome of the appeal, may be progressed. The appellant is within their rights to make an appeal.
- f. The Director informed members that regular meetings are held with the Regulation Manager to review and ensure that cases are actively progressed where it is viable to do so and is confident and comfortable with management of the workload.
- g. The impact on those who are subject to ftp proceedings, especially where there are third-party delays outside of the GOsC's influence and/or control, and the work to keep registrants informed were acknowledged. It was suggested that highlighting this aspect and the possible impacts be included in the ongoing communications with the profession.

Noted: Council noted the Fitness to Practise report.

Item 9: Patient Engagement evaluation and update

- 24. Rachel Heatley, Senior Policy Officer introduced the item which gave a progress report on patient engagement activity, considerations from the Policy and Education Committee on the Patient Council Associate Programme, and an outline of current patient engagement priorities.
- 25. The key messages and following points were highlighted:
 - a. The Patient Involvement Forum continues to grow with 33 members as of January 2023. Inroads have been made with Welsh patients thanks to support from the Institute of Osteopathy (iO) and greater engagement is anticipated from patients in Wales in 2023.
 - b. In October 2022, the Policy & Education Committee (PEC) considered proposals regarding the creation of a Patient Council Associate programme. Work is continuing to scope out how the patient voice can be embedded at governance level. This will be considered further by the PEC in June.
 - c. Patients have been heavily involved in the ongoing values project, helping to co-design implementation and dissemination plans for the shared decision-making resources.

- d. In November 2022, a member of the Patient Involvement Forum sat on an interview panel alongside GOsC staff to select a researcher to evaluate the shared decision-making resources.
 - e. A future collaborative project is being explored with the Health and Care Professions Council (HCPC) to raise awareness of the shared decision-making resources among patients and other health professionals.
 - f. The next Patient and Public Perceptions Survey is due to be completed by March 2023, findings will be shared with PEC and then with Council. The majority of questions remain the same for comparability with the 2018 survey and three additional questions have been included: the impact of NHS waiting lists; the impact COVID-19 has had on the public's expectations of infection control measures; and motivators for the public to seek osteopathic treatment instead of treatment from other health/medical professionals.
26. In discussion the following points were made and responded to:
- a. It was agreed that before an agreement could be reached by Council on the proposals relating to the Patient Associate modelling the PEC should consider, approve, and make a recommendation to Council. The PEC Chair agreed this should be the approach but would welcome feedback from members of Council about the proposal. The work to date was acknowledged.
 - b. It was agreed that patient numbers and demographics could be included in future reports. There would need to be some reflection on any impact relating to General Data Protection Regulations.
 - c. Members reported that the resources have been very useful and, as an example, where Clinical Educators have introduced the Practitioner Reflection Form to students to consider their engagement with patients it has triggered a lot of useful discussion within the student / educator setting.
 - d. In response to whether the work on the patient engagement project to date might trigger an increase in the volume of ftp concerns it was commented that the purpose of the resources introduced as a result of the project have been to improve communication in order to reduce assumptions and therefore reduce concerns. At this point the data did not indicate an increase in concerns but continuing research will help to draw out further information.
27. The Chair thanked Rachel, and all involved with the Patient Engagement Project for the work undertaken to date commenting on what is an impressive work stream with encouraging results.

Agreed: Council agreed that Policy and Education Committee would undertake further discussion on how the GOsC can ensure the patient voice is embedded at governance level so as to make a recommendation to Council on the next steps.

Noted: Council noted the progress that has been made in developing the patient engagement strategy.

Noted: Council noted the patient engagement activity from February 2022-23.

Item 10: CPD (Continuing Professional Development) Evaluation

28. Dr Stacey Clift, Senior Policy Officer, introduced the item which considered the implementation of the Continuing Professional Development scheme and its impact including: to what extent the intended benefits of the scheme are being realised?
29. The key messages and following points were highlighted:
- a. Osteopaths appear to be complying with the CPD scheme based on the findings from both the self-declarations, and verification and assurance processes. The introduction of a mandatory communication and consent-based activity has also had a positive impact on the level of concerns and/or complaints being reported around consent. There are still some challenges in terms of communication and understanding of the scheme for some osteopaths.
 - b. The bigger challenges with evidence in the evaluation of the CPD scheme are with the 'softer' developmental aspects of the scheme, such as: a change in culture, enhancement of practice, reducing isolation, reducing fear, increasing support, and building communities of practice. There is some evidence of impact through the qualitative work and ongoing engagement with osteopaths, but this is limited.
 - c. It is proposed that a different type of CPD survey be undertaken during 2023 focusing more on the impact of the scheme, as it can only currently infer benefits but the addition/ inclusion of osteopaths' perceptions osteopaths about impact would enhance understanding.
 - d. Other options to be explored in line with the Communications and Engagement Strategy are to a) improve understanding of the reasons for creating the scheme and its intentions, b) improve understanding of specific elements of the scheme, so as to continue to reduce fear c) overcome entrenched negative perceptions amongst a section of the Register and foster greater trust. These involve planned activities around regular content promotion, trusted stakeholder relationships, and webinar development.

30. In discussion the following points were made and responded to:

- a. In comparing the previous scheme and the number of osteopaths removed for non-compliance it was noted there was a higher number of registrants removed under the old scheme. It was suggested that this demonstrates the overall success of the CPD scheme.
- b. The variation in mentoring was noted and whether there is a need to review how and at what point registrants are being charged. There was some surprise that registrants were being charged for the peer reviews and it was agreed the experiences of paying/non-paying osteopaths and peer matching would be explored.
- c. It was suggested there might be some consideration given to linking data with other sources of information; is there any correlation with those who do not engage with the scheme and complaints for example, are there trends which go beyond the CPD scheme?
- d. It was noted that there was some confusion as to the role of a peer reviewer. It was suggested that this could be addressed by using title 'Appraiser'. It was acknowledged that some clarity was still required, and work continued to ensure this. It was noted that terminology was difficult to determine and, given consideration, it was thought the use of the terms 'peer' and 'peer reviewer' were preferable to 'appraiser/appraisal' so as to avoid what might be viewed as a hierarchical terminology.
- e. It was confirmed that a series of 'blogs' on learning from verification and assurance had taken place in during 2022 and, with the Communications & Engagement team, consideration would be given to re-establishing for current verification learning.
- f. It was acknowledged that as part of the thematic review standardised learning could be considered, and opportunities mapped for possible mandatory learning in the future.

Noted: Council considered and noted the progress of the implementation of the CPD scheme.

Noted: Council noted and considered our plans for further development to explore in more detail the impact of the CPD scheme.

Item 11: Any other business

31. IT Manager and Facilities Manager: The Chair on behalf of Council acknowledged and thanked both Carl Pattenden, IT Manager, and Stephen Ladbrook, Facilities Manager, for all their work and support during their time with the GOsC and wished them well as they move on to their new positions.

Item 12: Questions from observers

32. Maurice Cheng, iO: noted that there is an impact on current and future student numbers arising from the lack of EU mutual recognition arrangements and that this should be something Council continues to keep in its sights.

Date of the next meeting: Wednesday 17 May 2023 at 10.00