



Council
1 November 2017
Chief Executive and Registrar's Report

Classification	Public
Purpose	For decision
Issue	A review of activities and performance since the last Council meeting not reported elsewhere on the agenda.
Recommendations	<ol style="list-style-type: none">1. To waive the tender requirements in respect of Council member involvement in <i>the osteopath</i> magazine procurement and the requirement for advance approval of tender documentation by Council.2. To note the remainder of the report.
Financial and resourcing implications	The tender process for <i>the osteopath</i> is incorporated into the current budget. The cost of the contract over the last three years has been approximately £65,000 annually. Costs related to other activities outlined in this report are incorporated into existing budgets.
Equality and diversity implications	None
Communications implications	None
Annexes	<ol style="list-style-type: none">A. 2017-18 Business Plan – Q2 progress reportB. Financial report at end of Q2
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Introduction

1. This report gives an account of activities of note that have been undertaken by the Chief Executive and others since the last Council meeting, which are not reported elsewhere on the agenda.

Department of Health legislation update

2. The Department of Health (England) has indicated that it has obtained agreement in principle across government to publish its proposed consultation on legislative reform, and hopes that this can be published this autumn. Any further progress beyond this is contingent on progress with Brexit.
3. In addition, the Department has indicated that from spring 2018 there will be a bidding process for all secondary legislation particularly where the involvement of Parliament is required. We have been informed that, on the current timetable, this will not affect our proposed revisions to the CPD rules. However, we are exploring with officials how best to avoid any potential problems with recognised qualifications and related matters that require Privy Council approval.

Professional Standards Authority update

4. As was reported at the last Council meeting, the PSA published an initial consultation on revisions to its Standards of Good Regulation. The consultation looked at different models for the performance review as well as the traditional 'meeting minimum standards' model. The Executive attended inter-regulatory consultation meetings and submitted a response to the consultation in September. Copies of the response are available on request from the Chief Executive.
5. The PSA has also consulted informally with regulators on a new policy paper 'Right touch reform' which it plans to publish shortly. The paper covers a range of subjects including: prevention of harm; fitness to practise; education and training; and registers. We will circulate the document to Council members as soon as it is published. We hope that the paper will help to inform our thinking in a range of areas.

Equality Act 2010 – public sector equality duty

6. We have recently become aware that the formal requirement to comply with the 'Public Sector Equality Duty' contained in the Equality Act 2010 has now been extended to the GOsC and a number of other regulators. We have always considered this omission to be an anomaly as some other regulators (e.g. the GMC and GCC) were included.
7. In our Equality and Diversity Policy we have always worked on the assumption that the Duty applied to the GOsC and believe that this change should have no affect on what we are doing at present. It is our intention to bring a revised

Equality and Diversity Policy to Council in 2018 and as part of our review work we will assess the new requirement in more detail.

Osteopathic Foundation

8. Members will recall that at a previous meeting I mentioned the establishment of the Osteopathic Foundation (OF), a charitable fund that supports osteopathic education and research. The Osteopathic Foundation will continue to use its resources to fund research, support education and further the development of osteopathy for the benefit of public health. The OF had previously been known as the Osteopathic Educational Foundation before deciding to transfer its charitable endowment to the Institute of Osteopathy.
9. In July, I was asked to join the OF Management Board as a lay member. At the time of my appointment I made it clear to the Chair that I did not wish this appointment to be seen as representing the GOsC as the regulator, rather than reflecting my experience of charity governance and financial management, as well as in relation to the development of the osteopathic profession. My relevant interests have been updated in both organisations and conflicts declared and will continue to be declared as appropriate.

EFO/FORE merger

10. I am pleased to be able to report that further progress has been made with the proposed merger of the Forum on Osteopathic Regulation in Europe and the European Federation of Osteopaths. This process has been proceeding slowly for some time, having been first mooted in the GOsC's 2010-13 Corporate Plan and should lead to a more streamlined and robust voice in European osteopathy.
11. A merger working group (of which I am a member) has largely resolved the structural, policy and financial objectives for the new organisation which it is hoped will come into being in March next year. Our own direct relationship with the new organisation is likely to be limited to supporting work on regulatory development, rather than as a full member.

Scottish Government Regulatory Conference

12. The Scottish Government annual regulation conference took place in Edinburgh on 30 October 2017. I was asked to sit on a panel discussing the issue of 'responsive regulation' with colleagues from the General Optical Council and the General Pharmaceutical Council. I also presented along with the General Dental Council on our joint work on values. The conference provides a good opportunity to learn from others about different approaches to regulation and also to test out our own thinking with our peers as well as an opportunity to raise awareness of osteopathic regulation with other health professions in Scotland.

Australia and New Zealand

13. In September I met with a range of organisations in Australia and New Zealand to discuss matters of mutual interest including regulation in a commercial context, mutual recognition of qualifications, quality assurance, communications, stakeholder relations, advertising, CPD, performance management and animal practice among others. The visits enabled us to ensure our continued learning in an international context.
14. I attended the Osteopathic International Alliance annual conference in Auckland, New Zealand, and presented on the challenges of regulating in a commercial context which led to interesting insights about common challenges regardless of national context around issues such as conflicts of interest and advertising. I also had bilateral meetings with colleagues from the Osteopathic Council of New Zealand (OCNZ), the Osteopathy Board of Australia (OBA) and the Australasian Osteopathic Accreditation Council.
15. I visited Wellington for further discussions with the OCNZ and met with the Chief Executive and senior staff of the Nursing Council, which has now taken over management of the OCNZ's functions (previously OCNZ had been run under the auspices of the Occupational Therapy Council).
16. I also took the opportunity to visit Melbourne, Australia. In Melbourne I presented to staff and students at the Victoria University and then had a number of meetings with staff at the Australian Healthcare Practitioner Regulation Agency (AHPRA) and with the OBA. Under the Australian model executive functions are undertaken by AHPRA with separate profession governance from professional boards such as the OBA.
17. The meetings with AHPRA covered a wide range of issues including communications, stakeholder relations, advertising, CPD, performance management and animal practice. The meeting with the OBA focused on discussing our wider role in relation to the osteopathic profession and the pro-active approaches that we aim to take in supporting standards.

Appointments

18. We are commencing a further round of appointments (along with reappointments), principally to the fitness to practise committees. Recommendations for these appointments and reappointments are expected to be brought to Council at its meeting in January 2018.

***The osteopath* magazine tender**

19. We will be commencing a procurement process shortly for the design and printing, distribution and advertising sales for *the osteopath* magazine.

20. The osteopath magazine has been published by the GOsC for over ten years. It provides an important mechanism for us to communicate with our registrants, their patients and other stakeholders
21. The last tender process took place in 2013 with a renewal of the contract taking place in 2015, with a short recent extension to allow time to complete the proposed tender process.
22. The contract for *the osteopath* is one of the GOsC's largest contracts by monetary value (second only to that with the Quality Assurance Agency). The GOsC's procurement policy provides that, unless varied by Council, for a contract with a value of more than £50,000, the procurement panel will include the Chair of Council or another Council member. In addition the procurement policy requires that, unless varied by Council, a business case, procurement strategy and project initiation document in advance of the procurement for approval by the relevant committee or by Council.
23. Given the relatively low risk and straightforward nature of the work involved with this contract, compared with educational quality assurance, the requirement for this level of oversight from Council appears to be excessive. The main risk relates to the size of the contract. However, we suggest that the tender process itself, along with considerable experience of the market using our proposed panel expertise and experience will sufficiently mitigate this risk. Therefore, with the permission of Council we would like to waive these specific requirements for this tender process.
24. With regard to the tender panel, we anticipate that this will be chaired by either the Chief Executive or Head of Registration and Resources, with additional members drawn from the communications team with expertise in publications and commissioning elsewhere.

Other meetings

25. Recent meetings, calls, visits and speaking engagements by the Chief Executive and others include:
 - Waltham Forest Osteopathic Group
 - Scottish Osteopathic Society
 - Professor Judith Ellis, CEO, Royal College of Paediatrics and Child Health
 - Dr Liz Moody, Open University
 - Osteopathic International Alliance Conference
 - Osteopathic Council of New Zealand
 - Victoria University, Melbourne
 - Australian Healthcare Practitioner Regulation Agency
 - Osteopathy Board of Australia
 - Australasian Osteopathic Accreditation Council
 - Osteopathic Foundation board
 - Osteopathic Development Group

- EFO/FORE merger working group
- Danish Osteopathic Association
- Vicky McDermott, CEO, General Optical Council
- Kerstin Rolfe, Principal, BCOM
- Wessex Osteopaths Group
- Scottish government regulation conference
- Osteopaths in Bedfordshire Regional Group
- Kent and East Sussex Osteopaths Regional Group
- Patient focus group
- Student presentations at Marjon, Swansea and British College of Osteopathic Medicine
- Dr David Gale, Quality Assurance Agency
- Continuing fitness to practise inter-regulatory group meeting
- Maurice Cheng, Institute of Osteopathy
- Various CPD providers
- Osteopathic Sports Care Association.

Progress against the 2017-18 Business Plan

26. Annex A provides a final progress report on the 2017-18 Business Plan at the end of Q2
27. We have identified a small number of projects where there is currently slippage:
- a. 1.2 – Quality Assurance Review – proposals will now come to Council in May 2018
 - b. 1.3 – Rule 19 consultation – proposals will go to PAC in March or June
 - c. 3.2 – developing Integra functionality to support case management has been delayed but will recommence shortly.
28. In addition we do have decided to deprioritise updating the PCC bank of conditions (1.3).

Financial report

29. The financial position at the end of Q2 2017-18 can be found at Annex B.

Recommendations:

1. To waive the tender requirements in respect of Council member involvement in *the osteopath* magazine procurement and the requirement for advance approval of tender documentation by Council.
2. To note the remainder of the report.