



**Minutes of the Public Session of the 86<sup>th</sup> meeting of General Osteopathic Council held on Wednesday 4 February at 176 Tower Bridge Road, London SE1 3LU**

*Unconfirmed*

**Chair:** Alison White

**Present:** John Chaffey  
Colin Coulson-Thomas  
Mark Eames  
Jorge Esteves  
Jonathan Hearsey  
Kim Lavelly  
Brian McKenna  
Kenneth McLean  
Joan Martin  
Haidar Ramadan  
Jenny White

**In attendance:** Fiona Browne, Head of Professional Standards  
David Gomez, Head of Regulation  
Matthew Redford, Head of Registration and Resources  
Marcia Scott, Council and Executive Support Officer  
Brigid Tucker, Head of Policy and Communications  
Tim Walker, Chief Executive and Registrar

**Observer:** Maurice Cheng, Chief Executive, the Institute of Osteopathy

**Welcome and opening comments**

1. The Chair welcomed all participants to the meeting. She also extended a warm welcome to Maurice Cheng, Chief Executive of the Institute of Osteopathy (iO).

**Item 1: Apologies**

2. Apologies were received from Julie Stone and Nick Hounsfield. Brian McKenna would join the meeting at a point later during the morning.

**Item 2: Questions from observers**

3. There were no questions from observers.

### Item 3: Minutes and Matters Arising

4. The minutes of the public session of the Council held on 6 November 2014, were approved subject to the following paragraph being included:
  - a. Item 6c, PCC Chair's Report, page 9, paragraph 18f: members asked if the Indicative Sanctions Guidance had been applied in all recent cases. The PCC Chair responded that she would not be able to comment on this without an audit of the relevant cases.

#### Matters Arising:

- b. Item 5, Chief Executive's Report – Duty of Candour: members asked if there had been any response from insurers in relation to the Duty of Candour statement and if the insurers might be encouraged to work together on guidance. The Chief Executive responded that there had been a total of four responses. He informed members it was doubtful that there would be a joint response from them to express their views as they were competing businesses.
- c. Members expressed some concern that there could be denial of insurance cover for some registrants. The Chief Executive responded that the priority for registrants was first to ensure compliance with the *Osteopathic Practice Standards* and the point being made to the insurers was that they should not behave in a way that would jeopardise requirements of registration.
- d. Item 11, Leadership Development Project: members asked what the response had been to date to the call for expressions of interest for the leadership development project. The Chief Executive responded that the initial response had been positive and, more encouragingly, responses were being received from a wider section of the osteopathic community.

### Item 4: Chair's Report

5. The Chair gave an oral report to Council. The main points were:
  - a. Council training day: the Chair reflected back on the training day, 9 December 2014, when Council considered how they might develop greater effectiveness in group dynamics, teamwork and interpersonal relationships. Council would reflect on the learning to consider progress against Council's development plan and where the focus should be for the remainder of the corporate plan period.
  - b. The Chair also commented on an additional action which she had taken away from the training day which was to engage with Council ahead of meetings to optimise the Chairing of meetings where an agenda item might be of especial interest or importance to members. Members had already

taken advantage of this opportunity and the exercise would continue before each meeting of Council.

- c. Fitness to practise: the Chair raised the subject of fitness to practise on which she had been focused in recent months. After reading the report on the effectiveness of regulation she commented that it was becoming clear the structural aspects of regulation (such as fitness to practise) were not those which have most impact on registrant behaviour but that matters of communication, engagement, and peer pressure are the issues which do.
- d. The Chair also commented that in a post-Francis and post-Saville era, patient and public expectations of healthcare practitioners are changing, especially in terms of the environment regarding patient modesty; consent and communications; and professional boundaries. This meant there were enormous implications arising for the work of the GOsC, and there would need to be critical examination on how the GOsC approach their work and reflect these changes in the new corporate plan.
- e. The Chair informed members she had already engaged with stakeholders, such as the Institute of Osteopathy and the Panel Chairs of the Professional Conduct Committee to discuss potential actions that could be taken in collaboration. Though the discussions with stakeholders would need to continue, it was more important for Council to develop its thinking in terms of the direction it intended to take during the new corporate plan period. The issues would be taken forward at the strategy day in April and members were invited to submit their thoughts and ideas on the structure of the discussions.
- f. Constitution Order: members were informed that the GOsC is moving towards agreement on the process for implementing changes to the Constitution Order which would result in a smaller Council from April 2016. As a result there would be a need to move towards planning the practical requirements for the change, the first step which would be the appointment of the Chair when her first term ends in March 2016. Council would consider and discuss the appointment in private session which would exclude the Chair and Executive.
- g. Review of practice standards: the Chair commented on the developing work relating to the review of practice standards. The latest stage of the work took the form of a seminar chaired by the Chief Executive of the Professional Standards Authority on values based practice. The event was an extremely interesting and valuable session and she looked forward to seeing how the Executive planned to take the ideas forward in due course.
- h. Audit Committee – independent member: the Chair reported on the selection process for the appointment of an independent member for the Audit Committee. Members were informed that the panel had identified a suitable candidate for the position, and the next stage would be to take up

references and once completed she would seek approval from Council for the appointment by email.

**The Chair's report was noted.**

**Item 5: Chief Executive's Report**

6. The Chief Executive introduced his report which gave an account of activities undertaken since the last Council meeting and not reported elsewhere on the agenda. In presenting the report the Chief Executive highlighted the following:
  - a. Professional Standards Authority:
    - i. Constitution Order: the Chief Executive had met with the PSA and had outlined the GOsC plans. They had indicated they were content with the approach the GOsC was proposing.
    - ii. Performance Review: members were informed that the annual submission evidence had been made and the meeting with the PSA to discuss the report would take place during February. The Chief Executive advised members that although some questions had been raised he saw no areas which were cause for concern.
    - iii. Performance Review consultation: members were informed that the review of the Performance Review process was in progress and it was expected that findings would be published in due course. As part of the review, the PSA had requested meetings with a member of each of the regulators' Audit Committees. It had been agreed that Mark Eames, Lay Council Member, would meet with the PSA on behalf of the GOsC.
    - iv. PSA Academic and Research Conference: the Chief Executive was happy to inform members that not only had two abstracts, on the effectiveness of regulation and on the common classification system, been accepted for the PSA's Academic and Research Conference, but as a result of the this work, Fiona Browne, Head of Professional Standards, and Dr Gerry McGivern, had been invited by the PSA to be keynote speakers at the conference in March.
  - b. LeFroy Bill: members were advised that the Lords' Second Reading of the LeFroy Private Member's Bill would take place on 6 February. It was thought that this would get through Parliament before 30 March.
  - c. Business Plan: members were advised that there had been some slippage with two inter-related areas. The first was a long-term project relating to the website taking longer than had been anticipated due to some internal data problems. The second was the website data audit. These would be reviewed in an internal audit in due course.

Members were informed that there would be discussions to review the next 5 years of IT infrastructure and the needs of the GOsC. This would take into account a number of areas and would be included in the business plan.

7. In discussion the following points were made and responded to:
- a. Key performance indicators: members were pleased with the proposed new approach to reporting key performance data. It was pointed out that the Remuneration and Appointments Committee would continue to report to Council where any matters were of concern to them.
  - b. Members asked if it would be possible to include a key measurement for public/patient engagement. The Chief Executive agreed that a measurement on engagement should be included but how this could be done would be the challenge. He added that the GOsC were successful in recruiting patient groups for discussions/consultations but further consideration needed to be given to how to reflect this success.
  - c. The Chief Executive also informed members that the public/patient survey had been completed and the results would be presented at the next meeting in May.
  - d. Members asked how the public and patients were encouraged to engage and become involved with the GOsC. The Chief Executive explained there were a number ways: via osteopaths; the GOsC website; and the GOsC's partnership with Health Watch and the Private Patients Forum.
  - e. It was agreed that measuring output using KPIs was a challenge for all the regulators. The Chief Executive commented that the 'balanced scorecard' was a more helpful measure of performance. He advised that it was for Council to consider what should be done about achieving the most appropriate process for performance measurement.
  - f. Other meetings: members were asked to note, under paragraph 23, the meeting with Dr Jacqueline Baxter, Open University, did not take place.
  - g. Financial report: The Head of Registration and Resources presented the management accounts in which he highlighted the following:
    - i. There had been no definable change in the deficit which incorporated the increase in the costs of Fitness to Practice.
    - ii. Members were asked to note a correction to paragraph 8 of the report where the figure for expenditure shown as £13k should read £37k.
    - iii. There had been an underspend relating to quality assurance.

- iv. The figure of £19,177 for engagement activities omitted an accrual for public/patient engagement work undertaken by YouGov.
- h. The Head of Registration and Resources, in summary, informed members there was a small deficit due to fitness to practise costs which were higher than anticipated but there were sufficient reserves to cover this. It was noted that there would be fluctuations in the budget, and also where cost savings were being made.
- i. The Chair suggested it would be helpful for fuller narrative on variances to be presented in the commentary. The Head of Registration and Resources noted the request which would be taken forward.
- j. Members asked if the figures given for fitness to practise were expected to increase. The Head of Registration and Resources responded that the current figures were based on the best forecast and what could be expected. The Head of Regulation added that the area of uncertainty lay with Interim Suspension Orders (ISO) which were difficult to predict accurately. The Chair advised members that they should be minded that for all the regulators the number of fitness to practise cases were increasing, were an area of high cost and would remain so for some time. She said that she was satisfied that there were appropriate processes for forecasting. The Chief Executive added that the 2015-16 budget had been prepared later than usual and there was now better information available for preparation of the budget for the year ahead.
- k. Members asked about the current situation relating to judicial reviews, the possible implications relating to costs that could be incurred and whether provisions were being made to manage those costs. The Head of Regulation responded that in terms of legal costs nothing would be carried over from the cases under review. He informed members that of the three Judicial Reviews:
  - i. Decision relating to an ISO – a second appeal to High Court had been refused.
  - ii. An interlocutory decision – the first appeal has been refused and but an application to the Court of Appeal has been made and permission granted for judicial review proceedings to go ahead but it is unlikely that this will go far.
  - iii. Appeal against decision to impose an ISO – an agreement to settle with each party to bear their costs has been made.
- l. Members asked about the cost linked to unplanned quality assurance reviews. The Chief Executive responded advising that a quality assurance service procurement exercise had very recently taken place. He said that, like fitness to practise, quality assurance reviews were prone to some uncertainty. He added that the GOsC were moving towards a more uneven

cycle of reviews with variable costs in each year and this was something that would need to be built into future budgets.

- m. The Chair added this was an important and extensive area of cost and it was hoped that the Executive would be able to be able to improve their forecasting with the additional information which was becoming available. The Chief Executive responded that once the new contract was in place a long-term budget would be set perhaps with some designation of funds within annual budgets in order to even out the peaks and troughs of activity.

### **Council noted the Chief Executive's Report.**

#### **Item 6: Fitness to Practise Report**

- 8. The Head of Regulation introduced the item which gave the quarterly update on the work of the Regulation Department and the GOsC's fitness to practise committees in which the following were highlighted:
  - a. Peer review audit: this was the second review undertaken by the General Optical Council (GOC) and the partnership was working well. The Head of Regulation described the peer review audit as innovative and that it added value to the work of the GOsC. He added that the objective view of an experienced lawyer was valuable and on this occasion was positive.
  - b. Interim Suspension Order (ISO) cases: the Head of Regulation informed members that there was a fine line in making ISO decisions and findings made by the peer reviewer would form part of the agenda for the training day in May.
  - c. Institute of Osteopathy (iO)/GOsC regulation meeting: a series of quarterly meetings have been agreed between the GOsC and the iO. The Regulation Team will be working with the iO looking at protocols for working with vulnerable registrants
- 9. In discussion the following points were made and responded to:
  - a. Members asked if in considering ISOs whether the order was applied as a matter of necessity rather than desirability. The Head of Regulation advised that it was part of the GOsC's legislation to apply ISOs, therefore a necessity.
  - b. Members asked about training on ISO decisions. The Head of Regulation advised that there would be training day on 18 May with the GOC peer reviewer also taking part.

### **Council noted the Quarterly Fitness to Practise Report.**

### **Item 7: Appointment of Legal Assessors**

10. Jonathan Hearsey declared an interest as one of the individuals was known to him and left the meeting for the duration of the discussion.
11. The Head of Regulation introduced the item which was seeking to obtain approval for the appointment of Legal Assessors. He thanked Mandie Lavin, former Director of Regulation, General Optical Council, for her assistance in the recruitment process and being part of the panel interviewing the 20 candidates. He said the process had been very successful in presenting a diverse selection of experienced and skilled candidates.
12. In discussion the following points were made and responded to:
  - a. Members were impressed by the calibre of applicants and commented that it was a credit to the GOsC. Members asked if it was the first time that members of Queen’s Counsel (QC) had applied for this type of role with the GOsC. The Chief Executive responded that it was not unusual for the larger regulators to employ QCs but it was a first for the GOsC.
  - b. Members asked whether there would be enough casework for the increased number of lawyers employed by the GOsC. The Head of Regulation responded that candidates were aware there were no set number of cases with which they would be involved and this would be made clear in their contracts. He commented that widening the pool of Legal Assessors would allow for the use of specialist skills that might be required in fitness to practise cases, for example where dealing with individuals who might have health issues.
  - c. Members asked if expertise had been sought from all the UK regions. The Head of Regulation explained that adverts had been placed in a number of media including specialist law publications. He added there had been no responses from Northern Ireland. It was also added that if there were any legal issues arising in either Gibraltar or the Isle of Man these cases would be heard in England.

### **Council agreed the appointment of:**

- **Fayyaz Azfal**
- **Valerie Charbit**
- **Andrew Davies**
- **Jonathan Goldring**
- **Andrew Granville Stafford**
- **Joanne Hirst**
- **Tom Kark QC**
- **Gary Leong**
- **Alastair McFarlane**
- **Margaret Obi**



- **Sarah Plaschkes QC**
- **Andrew Webster**
- **Richard Wheeler**
- **Jonathan Whitfield QC**

**as Legal Assessors to the General Osteopathic Council from 1 April 2015 to 31 March 2019.**

Jonathan Hearsey was recalled to the meeting and advised that the appointment of the Legal Assessors had been approved.

**Item 8: Business Plan and Budget 2015-16**

13. The Chief Executive introduced the item which set out the Business Plan and Budget for the year 2015-16 and reminded members the Plan would cover the completion of work of the 2013-16 Corporate Plan and there was little new activity. He added that the Chair had commented on a number of areas for clarification prior to the meeting and he was happy to take further comments on board requesting members focus any questions about the content of the Business Plan during the discussion.
14. The Chief Executive informed members the Budget was a balanced one and factored in an increase in fitness to practise costs. He also advised members that savings had also been identified for the coming year.
15. The Chair also reminded members that the Business Plan was the final part of the 2013-16 Corporate Plan and therefore not for considering major new areas of work. There would be opportunity to consider new work at the Council's strategy day in April. She also drew attention to the reserves saying it was appropriate for organisations to use reserves if required, for example reserve funds previously designated for research, and which had been approved by Council in the past. She noted it was a budget with a small surplus.
16. In discussion the following points were made and responded to:
  - a. Members asked for clarification on the thinking behind the Plan and what it implied. It was recognised there was an element of continuity behind the plan but in making choices were there areas of work that would not or might not be undertaken due to financial constraints. The Chief Executive responded that there was no precise answer and resources are not looked at across the organisation in relation to some areas. Time was a factor with some projects and there were also capacity issues, not only for the GOsC, but also stakeholders. It was an area which would be carefully reviewed and it was the intention to present more work to Council around the prioritisation of resources in the preparation of the 2016-19 Corporate Plan.
  - b. Members also asked if the Senior Management Team was comfortable that adequate resources would be available to conduct the work of the

organisation. The Chief Executive responded that there were a number of projects in a preparatory stage and the decision on taking these forward would be a question for Council in agreeing the 2016-17 budget. The Chief Executive also highlighted that the GOsC's departments work under tight constraints to meet their objectives.

- c. Members asked to what extent, if any, was there a provision to shift resources from one area to another. The Chief Executive responded that shifts do happen and that ways to make savings were always under review. This did not mean an activity would stop but there were the possibility of delays and where this did happen it was reported to Council.
- d. Members asked if there was enough flexibility to begin incorporating areas from research themes into work activity. The Chief Executive responded that it is sometimes difficult to identify directly how research areas develop into work activity but they tended to be incorporated across many different streams of work. He added that he believed the GOsC was an agile organisation and opportunistic in its approach.
- e. Members asked where the balance was between cost reduction and performance improvement. The Chief Executive reminded members that in 2011 the government asked the regulators to make savings and the GOsC has met the requirements. This did not mean that quality had diminished and it was believed a balance had been achieved.
- f. In response to a question on fees it was explained that the fee structure is phased for new graduates therefore as a registrant progresses the fee and income from the fee increases. The Chief Executive added the register had continued to grow in spite of the economic climate and continues to do so.

## **Council approved the Business Plan and Budget 2015-16**

### **Item 9: Investment Report**

- 17. The Chair asked members to note that she had asked the Executive for some consideration to be given to the possibility of a transfer of the investment into a fund of the same risk profile but with improved management.
- 18. The Head of Registration and Resources introduced the item which reviewed the investment strategy approved by Council in April 2011 which recommended an investment with the Newton Real Return Fund. The strategy was reviewed in 2014 with no changes made to the agreed approach. Council was asked to consider the future approach as set out.
- 19. The Head of Registration and Resources asked members to note that paragraph 15, and its associated heading, was a duplication and should have been omitted from the paper.

20. The Head of Registration then set out the questions which needed to be addressed along with his comments for the suggested approach:
  - a. Is the investment risk profile appropriate?
  - b. Has the investment performed in line with expectations?
  - c. What are the alternative options?
21. The Executive considered that investment risk profile was still appropriate. The Executive also noted that the performance of the fund had been variable but it had underperformed overall. It was suggested that the investment should be maintained on the basis that when the funds were invested as it was agreed that the investment would be considered after five years.
22. As suggested by the Chair there should be time during the next 12 months to explore the market and identify other funds levelled at the same risk profile at the lower end of medium risk. It was proposed not to make any changes to the investment at this time but advised it should be brought back to Council for consideration at either the November 2015 Council or, at the latest, the first meeting in 2016.
23. In discussion the following points were made and responded to:
  - a. Members asked for clarification on the amount agreed to be invested. The Head of Regulation and Registration responded that it had been decided to invest £500,000 into the investment and £500,000 into a bond into Secure Trust Bank which had an opening return of 2.35%.
  - b. Members asked if there were any other criteria being considered such as tax liability. The Head of Registration and Resources responded that tax liability was minimised.
  - c. Members asked if there was scope for an ethical element to investment. It was confirmed that the ethical element would be considered.
  - d. The Chair commented although it was important to ensure there was no unnecessary risk to capital sum invested it was important to look at other funds that are better managed and she was happy for the Executive to explore the options.
  - e. It was confirmed there should be no change to the criteria used to determine the risk profile.
  - f. The Chair asked about the review process of the Bond. The Chief Executive advised that this should be reviewed together with the investment.

**Council agreed to make no change to the investment portfolio and to review it again later in 2015-16 including a review of the bond investment at the same time.**

### **Item 10: Professional Indemnity Rules**

24. The Head of Registration and Resources introduced the item in which the GOsC was required to make changes to its Professional Indemnity Insurance Rules 1998 following the implementation of EU Directive 2011/24/EU. The new rules had been subject to extensive consultation and were due to take effect from 1 May 2015. He added that if Council made the new rules, once signed by the Chair and formally sealed, the document would immediately be sent to Privy Council.
25. Members asked if the insurers would be notified about the changes to the rules. The Head of Registration and Resources confirmed that the insurers would be notified of the decision in writing.

**Council made the new rules as set out in the annex to take effect on 1 May 2015.**

### **Item 11: Threshold Criteria**

26. The Head of Regulation introduced the item which proposed new guidance on threshold criteria for fitness to practise cases.
27. He highlighted that there had been 76 responses to the consultation and that overall the responses had been positive. The key issue from the focus group was over inclusivity/exclusivity, things going forward or not going forward and it was suggested that a body of sample cases was required. There was overwhelming agreement that the criteria should be adopted by the GOsC.
28. Stakeholders had emphasised the potential for mediation but the GOsC was limited in what it could do in relation to this. The Head of Regulation advised members that in the view of the GOsC in relation to advertising complaints, this was an area where the first point of call should be the Advertising Standards Authority (ASA).
29. In discussion the following points were made and responded to:
  - a. Members congratulated the Head of Regulation on his work and welcomed the proposed guidance. Members asked how it would be implemented and also would previous cases be reviewed for learning points. The Head of Regulation responded that the training day would focus on the Threshold Criteria and how they should be used.
  - b. Members were pleased that the Criteria would be incorporated into the next audit of the Investigating Committee's decisions which would be conducted by an external solicitor.
  - c. Members were concerned about the how the Criteria might impact on issues relating to the ASA. The Chief Executive advised that registrants

must comply with the *Osteopathic Practice Standards* and also be compliant with ASA requirements. The Chief Executive commented that the GOsC had no jurisdiction relating to ASA matters. It was not prudent nor within the scope of fitness to practise to follow-up every infringement even where resolved as suggested in the response to the consultation from the Nightingale Collaboration (an advertising pressure group).

- d. Members asked what the response would be if there was a serious breach of ASA regulation such that could impact more widely on the reputation of the osteopathic profession. The Chief Executive confirmed that there was still scope for the GOsC to take action without an ASA ruling and it had done so in the past.
- e. Members asked if the Threshold Criteria were aimed at different audiences and perhaps a less technical version could be made available for the public and general communications. The Head of Regulation agreed and would be looking at the GOsC's complaints documentation.
- f. Members highlighted Criteria H – Difference in Professional Opinion - Complaints which 'merely' amount to a difference of professional opinion. It was suggested there needed to be some encouragement to allow serious complaints to be taken from osteopaths to ensure patient safety. The Head of Regulation commented that the Investigation Committee (IC) was not the place for disputes about osteopathic theory as the Committee did not have the expertise and this was what was being referred to. He agreed that the use of the word 'merely' might not be correct and would look to amend the sentence.
- g. The Chief Executive suggested that a preamble explaining the overriding purpose of fitness to practise processes particularly in the light of the Lefroy Bill might be a useful addition. He added that advice had been sought from Counsel on the Threshold Criteria which had been in support of the Criteria.

**Council approved the Threshold Criteria for Unacceptable Professional Conduct as shown at the annex subject to the suggested drafting amendments.**

### **Item 12: Guidance on Osteopathic Pre-Registration Education**

30. Jenny White declared an interest for this item as she was a professional colleague of the person who had conducted the equality impact assessment but it was agreed there was no conflict. The Chair invited Jenny to stay but advised that she should not take part in the discussion.
31. The Head of Professional Standards introduced the item that set out proposals for the publication of the Guidance on Osteopathic Pre-Registration Education and the next steps.

32. It was highlighted that the guidance had a long history and began with little backing but it was now very much supported by stakeholders.
33. In discussion the following comments were made and responded to:
- a. Members were pleased with the document seeing it as a positive step forward for the profession. It was suggested that the OEIs had a role to play in encouraging students to use the guidance once it was available.
  - b. Members asked if supporting information in the way of leaflets or other media would be made available to students. The Head of Professional Standards confirmed that supporting information would be made available to ensure the widest access.
  - c. Members commented that the list of common presentations at paragraph 25 in the Guidance was long and would be difficult to teach in a four-year programme. Was the list entirely appropriate? The Head of Professional Standards responded that the list had been taken from the World Health Organisation benchmark. The Chief Executive highlighted that the paragraph did say 'may' therefore not all items in the list were required practice.
  - d. The Chair reminded members that the process in bringing the guidance to its current point had been a long one and consultations had taken place which included terms such as 'may' as opposed to 'will'.
  - e. Members asked if in the future there would be room to add information on the psychological aspects of patient care as this was integral to osteopathic practice.
  - f. The Chief Executive reminded members that the document was not a list of 'musts' but was for guidance. It was agreed that the guidance was a living document and would be change over time to meet the needs of the profession.

### **Council agreed the Guidance on Osteopathic Pre-Registration Education.**

#### **Item 13: Effectiveness of Regulation Research**

34. The Head of Professional Standards introduced the item which considered the findings of the Effectiveness of Regulation Research conducted by Dr Gerry McGivern. She informed members that it was hoped the report could be published as soon as possible. The Head of Professional Standards also thanked Council Members Julie Stone and Haidar Ramadan for their contribution as members of the Research Advisory Board.

35. In discussion the following points were raised and responded to:
- a. The Chair thanked the Head of Professional Standards and her team for the report and sought assurances that controversial wording in the report would be improved. She also asked that once the final version was ready for publication that Council be notified.
  - b. Members commented that overall it was a good report, and notwithstanding the points regarding legislation outside the power of Council, it was noted the report highlighted some areas of GOsC's work that might require review/discussion to address difficult areas and it would be useful in shaping future strategy.
  - c. The Head of Professional Standards confirmed to members there would be discussion about the possibility of academic publication.
  - d. Members wondered if the areas referenced in the report, like the Zubin Austin research, could be highlighted by including some additional detail.
  - e. The Chair advised members that they should familiarise themselves with the content of the report in preparation for discussions at the Council Strategy Day scheduled for April.

**Council will be notified of the publication of the Effectiveness of Regulation Research report.**

**Item 14: Francis Report Action Plan Update**

36. The Chief Executive introduced the item which provided an update on the GOsC's actions following the publication of the Francis Report in 2013. He commented that it had been a useful exercise and most of the actions in the plan had been completed.
37. In discussion the following points were made and responded to:
- a. Members commented that the correct approach had been taken by the GOsC in having an action plan as the lowering of the media profile of the Francis Report could have allowed the work to drift.
  - b. Members asked if, in following the action plan, anything else had emerged that Council should be aware of. The Chief Executive responded that there were some issues around candour but in general there were no other new concerns. He commented that looking at the media profile of the issues was the wrong approach. It was for organisations and the regulators to constantly review their processes which should not be media led.

- c. The Chair remarked that she was pleased that the Francis Report action plan had worked well.

**Council noted the Francis Report Action Plan update.**

**Item 15: Values Seminar Report**

- 38. The Head of Professional Standards introduced the report which provided an overview of the ideas and thinking arising from the seminar held in November 2014.
- 39. She informed members that a further seminar was being planned for May 2015 which would draw out issues touched upon during the first meeting and feed into the review of the *Osteopathic Practice Standards*.
- 40. In discussion the following points were made and responded to:
  - a. Members thanked the Head of Professional Standards for her report remarking that it gave a good sense of the proceedings at the seminar and the subsequent discussions.
  - b. Members asked how the GOsC planned to share the findings coming out of the seminar. The Head of Professional Standards responded that outcomes from the session have been summarised through *the osteopath* magazine and there was some discussion about the work being published in some academic publications. The Chief Executive added that output from the seminar process might also inform future work such as the *Osteopathic Practice Standards* review.
  - c. Members remarked that most attention seemed to apply to standards and that values appeared to be underestimated which the report appeared to demonstrate.
  - d. Members asked if the behavioural element of the discussions could be explored further.

**Council noted the Values Seminar report.**

**Item 16: Minutes of the Audit Committee – 26 November 2014**

- 41. The Chair invited the members of the Audit Committee to comment on the meeting of 26 November. Mark Eames, Lay Council Member, commented that it had been a good but mostly routine meeting. Brian McKenna, Registrant Council Member, informed members that as it had been his first meeting it was too early to comment but he had found the meeting helpful in understanding the role of the Committee more fully.



42. In discussion the following points were made and responded to:
- a. The Chair commented on the minutes referring to the Risk Register, Item 4, remarking that it was the role of the Audit Committee to advise on process and provide assurances to Council. She was not keen on continuous change to the format of the Register; the focus of Council should be on the substance of risks and how they were being managed.
  - b. The Chair also commented on paragraph 25c, Item 8: Audit Committee Effectiveness. She advised that any amendments to the Terms of Reference would need to be approved by Council. The Chief Executive noted her comment and the error would be corrected. He assured members that the correct protocols for amending Terms of Reference would be adhered to.
  - c. Members asked if the GOsC has an internal auditor. The Chief Executive responded that the GOsC did not have an internal auditor on its staff: audits within the GOsC are completed by individuals external to the GOsC and also, where appropriate, by staff cross-departmentally such as the Professional Standards audit of fitness to practise.
  - d. Members asked if the external auditors, currently Grant Thornton LLP, met with the Audit Committee independent of the Executive. The Chief Executive explained there are private meetings where the Committee Chair has discussions with the auditors and also, during committee meetings, the Executive can be asked to leave the meeting to allow auditors and committee members to have private discussions on a particular item or point of discussion. It was recognised and understood this was a part of the governance process.

**Council noted the minutes of the Audit Committee.**

**Item 17: Minutes of the Remuneration and Appointments Committee – 26 November 2014**

43. Members asked if it was normal practice for exit interviews to be conducted in all cases when staff had resigned their positions with the GOsC. The Chief Executive confirmed that exit interviews do take place.

**Council noted the minutes of the Remuneration and Appointments Committee.**

**Item 18: Any other business**

44. Continuing Professional Development (CPD) Consultation: The Chief Executive informed members that the CPD consultation was set to be published/circulated shortly. The Consultation would take place over the next four months ending on 31 May 2015, and would be available in a number of

formats to ensure that the consultation reached as wide a number of respondents as possible.

**Date of next meeting**

45. Date of the next meeting: Thursday 14 May at 10.00 a.m.