

Council
16 May 2024
Chief Executive and Registrar's Report

Classification	Public
Purpose	For noting.
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 note the content of the report.2. To note the update on the current Non-Executive recruitment campaigns.3. To note the appointment of Ben Adams as a member of the Investigating Committee.4. To note the increase in day rates payable to members of the Education and Policy Committee, Audit Committee and People Committee.5. To note the mechanism for increasing day rates annually.
Financial and resourcing implications	The financial report will be provided by oral update as the audit for 2023-24 is currently ongoing.
Equality and diversity implications	The paper sets out what we have done since the previous Council meeting on matters related to equality, diversity and inclusion.
Communications implications	None.
Annexes	Council planner: recurring agenda items
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Key messages from this paper:

- The report sets out the activities undertaken by the team since the previous Council meeting not reported elsewhere on the agenda. Headlines include:
 - The GMC are consulting on the rules, standards and guidance needed to implement the regulations for the regulation of Anaesthesia Associates and Physician Associates.
 - We are attending and participating in regional roadshows organised by the Institute of Osteopathy.
 - I presented at a Council training day for the Education Workforce Council (Wales).
 - We have provided as an annex to this report a schedule of those Council matters which are recurring items. This is so our new members have oversight and awareness of what discussions will take place annually.
 - A judgement has been handed down in the case of Somerville v NMC, Employment Tribunal, which may have implications for the employment statuses of fitness to practise panel members.
 - We are considering the implications arising from the case of Meade v Westminster City Council and Social Work England.
 - Since the previous meeting of Council, work has continued on a number of recruitment campaigns for 2023-24 and planning for campaigns happening in 2024-25.
 - We received confirmation from Privy Council that Harry Barton, Gillian Edelman and Sandie Ennis had been confirmed as new Council members taking office from 1 April 2024.
 - An induction meeting for the new members of Council was held in February 2024 with the Chair of Council (Designate) and the Senior Management Team.
 - Continuing Council members and new Council members came together for two development days in March 2024.
 - Ben Adams, osteopath, was appointed to the Investigating Committee from 1 April 2024 for a period of four years to 31 March 2028.
 - Following a recommendation from the People Committee meeting in March 2024, Council agreed, electronically, to increase the day rates payable to members of the Policy and Education Committee, People Committee and

Audit Committee. There was also agreement to streamline future increases to day rates.

Introduction

1. This report gives an account of activities of note that have been undertaken by the Chief Executive and Registrar and colleagues since the previous Council meeting, which are not reported elsewhere on the agenda.
2. The report also provides an update on the GOsC non-executive appointment and reappointment processes.

Professional Standards Authority for Health and Social Care (PSA)

3. We continue to engage with the PSA on our performance review for the year 2023-24 and we look forward to being able to publish our report in due course.
4. We attended the PSA online event, Regulating in the Welsh Context which saw a wide range of stakeholders present, including Powys Teaching Health Board, Cardiff and Vale University Health Board, Health Education and Improvement Wales and Social Care Wales among others. It was an interesting meeting which considered ensuring support for new and international registrants, compassionate leadership and how regulation can support innovation and new ways of working.
5. We attended a PSA roundtable event in March 2024 on 'Accountability, fear and public safety' which explored some of the recent NHS safety culture initiatives in England and their relationship with professional health regulation. The roundtable highlighted some common myths and misconceptions of healthcare, safety cultures and regulation, being:
 - Common myths and misunderstandings: healthcare, safety cultures & regulation
 - Just culture means zero blame and no accountability
 - Regulation is 'out to get' health care practitioners
 - Accountability always leads to sanction
 - Accountability is only about people, not about systems, places and processes
 - Health practitioners will lose their registration if investigated
 - Healthcare comes without risk
6. A blog was written by Anna van der Gaag, Visiting Professor, Ethics and Regulation, University of Surrey and can be found here: [safety nets and sledgehammers](#).

Department of Health and Social Care (DHSC)

Legislative reform

7. The AAPA Order 2024, which will bring Anaesthesia Associates and Physician Associates under the regulation of the General Medical Council (GMC), was laid before Parliament and the Scottish Parliament in December 2023. This is draft legislation and has not yet been made a UK Statutory Instrument. Under current plans, Anaesthesia Associates and Physician Associates will begin to be regulated by the GMC in late 2024.
8. The AAPA Order provides the template for changes to the legislation of the other healthcare regulators with the Nursing and Midwifery Council and Health and Care Professions Council next in line.
9. The GMC are consulting on the rules, standards and guidance needed to implement the regulations. The consultation opened on 26 March 2024 and closes on 20 May 2024.

Institute of Osteopathy roadshows

10. We are delighted to be attending and participating in the Institute of Osteopathy roadshows which are happening over the coming months. We will be visiting Kent, Swansea, Newcastle and Stirling and look forward to the iO announcing further dates/venues in due course.
11. During the roadshows we will have the opportunity to discuss how the iO and GOsC work together to support the profession develop and deliver high-quality patient care, whilst helping to clarify to osteopaths how our roles and responsibilities differ.

Education Workforce Council (Wales)

12. I was invited by the Chief Executive of the Education Workforce Council (Wales) to speak at their Council training day towards the end of April 2024. The talk, which covered the GOsC role, responsibilities, strategy and governance arrangements, was well received with the 45-minute session being engaging and interactive.

NMC Employment Tribunal: Somerville

13. Robin Somerville, a former MPTS and NMC lay panellist, has been engaged in an Employment Tribunal case against the both GMC and NMC. Whilst his case against the MPTS failed at an earlier stage, a number of elements of his claim against the NMC were successful. The case related to the employment status of panellists and arrangements for paid leave.

14. A judgement has now been handed down which is in favour of Mr Somerville and which may have implications for fitness to practise panel members across the regulatory environment. Within the GOsC accounts we are holding a provision for such an event.
15. Now that a judgement has been handed down we will consider the impact on our work and the options for addressing this. This will involve legal advice and ensuring we are aligned with our fellow healthcare regulators. We consciously held back from obtaining legal advice before the judgement was handed down as we felt this would not be a good use of registrant fees. We will consider our next steps and involve the People Committee in that thinking. We will keep Council abreast on this matter as it develops further.

Meade v Westminster City Council and Social Work England (SWE)

16. A social worker has won multiple claims for harassment, on account of beliefs protected in law, against her employer and the regulator. Ms Meade was sanctioned by SWE in 2021 for misconduct following complaints from a colleague that she was sharing content which was offensive to the transgender community. Westminster City Council suspended Ms Meade and began a disciplinary investigation, warning that she could be sacked, although this was later withdrawn.
17. SWE and Westminster City Council have been ordered to train managers on freedom of expression and pay Ms Meade £58,344 in damages.
18. We are considering the implications of this case within our context and we will report to Council more fully, at the next meeting, on any training we may decide to put into place for our fitness to practise panel members.

Council meeting planner

19. Attached as an annex to this paper is a short schedule of those Council matters which are recurring items. This is so our new members have oversight and awareness of what discussions will take place annually.

Appointment and reappointment activity

Current recruitment campaigns

20. Since the February 2024 meeting of Council, there has continued to be a significant amount of work relating to Governance appointments. This is twofold: (a) concluding work related to appointment processes in 2023-24 and (b) preparing for future appointment processes in 2024-25.

Council appointments, including induction and development

21. At the February 2024 meeting we had not yet received confirmation from the Privy Council that Harry Barton, Gillian Edelman and Sandie Ennis has been appointed as Council members. We are delighted that the confirmation was subsequently received and our new members joined Council on 1 April 2024.
22. In February 2024 an induction meeting was held with the new members of Council, the Chair of Council (Designate) and the Senior Management Team. The day spent together allowed an introduction to the work that we undertake at GOsC and for the new members to start to get know each other.
23. We followed the February induction day with two development days in March 2024 where the continuing and new Council members were able to come together to form as a new team. This was in collaboration with the Senior Management Team on days 1 and 2 and with external stakeholders and other GOsC staff members on the second day. Across the two days, which were facilitated by an independent consultant, the new Council was able to form connections, understand how Council may best work together to add value and to better understand the external environment within which we operate.
24. I would like to thank Mike Hudson, external facilitator, for his work and also to our external stakeholders who made the time to come, speak and engage with Council in-person.

Council member, Wales

25. As reported to Council in February 2024, we had not been successful in appointing a Council member from Wales. The campaign was relaunched and we received over 20 applications, which have been longlisted. A selection panel has been formed and they will shortlist applications and interview later in the year. We will keep Council informed of progress.

Investigating Committee

26. Following an interview process in February 2024, a selection panel chaired by Brian Wroe, Chair of the Investigating Committee (IC), recommended the appointment of Ben Adams as a new osteopathic member of the IC from 1 April 2024. The appointment is for four years to 31 March 2028.
27. This recommendation was agreed electronically by Council and is reported here for completeness.

Day rates for external members of the Policy and Education Committee, Audit Committee and People Committee

28. In March 2024 the People Committee considered a paper on day rates for members of the Policy and Education Committee, Audit Committee and People

Committee. The day rates had not increased for several years and had fallen behind the day rates paid to members of the fitness to practise panels.

29. The People Committee recommended an increase in the day rate from £306 to £330, equalising it with the rate for fitness to practise panel members.
30. This was agreed electronically by Council and is reported here for completeness.

Streamlining day rate increases

31. At the same meeting the People Committee also considered how best to streamline the mechanism for increasing committee day rates. A proposal was presented which suggested that the day rates should increase annually by the same percentage awarded for any staff pay increases.
32. This proposal was supported by the People Committee, who noted that the day rate for Council Associates should also be increased annually.
33. The recommendation was agreed electronically by Council, and is reported here for completeness.

Composition of future recruitment panels

34. The People Committee recognised that the significant recruitment activity in 2023-24 had meant an increase in the workload for those members of the governance structure who sat on recruitment panels. In the coming year the People Committee will look afresh at the approach we take to the selection of recruitment panels and whether there are alternative ways of handling this work.

Recognition of staff involvement

35. In reflecting on the significant volume of recruitment activity undertaken in 2023-24, the People Committee acknowledged the work of the Human Resources and Communications team who were instrumental in those campaigns running smoothly. In addition, there was recognition of the data analysis undertaken by colleagues within the Professional Standards team to analyse the equality monitoring data across all campaigns.

External meetings – bringing insight into our business

36. Since the previous meeting we have participated in several external events with stakeholders and partner organisations which ensure that we are able to bring insight to our work. These meetings, which have not been referenced elsewhere in the report, include:
 - Chief Executives of the Regulatory Bodies forum
 - Osteopathic Development Group

- Inter-regulatory forums including education, research, EDI, and CPD and the Institute of Regulation EDI group
- Attending meeting of the Council of Osteopathic Educational Institutions to discuss matters of interest related to policy and education
- Regular meetings with Mott MacDonald regarding quality assurance of education
- National Council for Osteopathic Research Trustee Board and Stakeholder Group
- Institute of Osteopathy (iO) meetings
- iO Roadshow – KESO – to present a session on the role of the regulator and the distinction between the regulator and the professional body
- Michael Eva
- ns, IT Consultant and BPI On Demand (Salesforce)
- Compass Partnership, Council development day planning
- Chair and Deputy Chair of the Council of Osteopathic Education Institutions (COEI)
- Andrew Harvey, Chair of the Professional Conduct Committee
- David Atkinson, Interactive Space
- Steven Monger-Godfrey, Michael Wright, GM-G
- Haysmacintyre, Audit Partner and Manager
- Round table with osteopaths, students and patients on Equality, Diversity and Inclusion in partnership with NCOR to raise awareness of issues and to explore and share good practice
- Round table with osteopaths, students, patients and sector organisations and regional groups and other regulators exploring our sector response to Boundaries
- Bev Messinger, external HR consultant (longlisting and shortlisting, non-executive roles)
- Nick Jones, Chief Executive and Registrar, General Chiropractic Council
- Contract management meeting with Mott MacDonald
- Series of small focus groups with penultimate year students to gain insight,
- a number of sessions on regulation and professionalism, including boundaries and shared decision making, registration and CPD with students in four osteopathic educational institutions (c. 80 students)
- Ongoing engagement with patients including contributions to consultations and focus groups
- Focus groups with students, educators and patients to inform the professional behaviour and student fitness to practise consultation which closes in May
- Sessions with regional groups including Waltham Forest and Bristol (c.55 osteopaths) on exercising professional judgement including boundaries, candour, shared decision making and equality, diversity and inclusion
- Meeting of 12 regional leads of osteopathic groups to discuss the purpose and approach of the CPD scheme and how to encourage greater awareness of the engagement, support and community aspects of the scheme
- Regulator and Educator Liaison Meeting

Business Plan monitoring

37. We reported to Council in February 2024, via the monitoring report, that the Business Plan activities for 2023-24 were on track for completion. The February 2024 Business Plan Monitoring Report can be found here: [Business Plan Monitoring Report - February 2024 Council meeting](#).
38. There were no changes to the status of the Business Plan activities reported in February 2024 at the year-end, and therefore, to limit the number of papers presented to Council we have decided not to report the paper.

Financial report

39. At the May Council meeting we report orally on the financial position of the GOsC. This is because the financial year has just concluded and the financial audit is still underway.
40. Our new Head of Resources and Assurance, Darren Pullinger, will be at the Council meeting and can report orally on the audit progress and the financial year-end position.

Recommendations: To note the content of the report.

Annex to 6

Council planner: Public meetings

February	May	July	November
Chair's Report	Chair's Report	Chair's Report	Chair's Report
Chief Executive and Registrar's Report	Chief Executive and Registrar's Report	Chief Executive and Registrar's Report	Chief Executive and Registrar's Report
FTP Quarterly Report	FTP Quarterly Report	FTP Quarterly Report	FTP Quarterly Report
Business Plan and Budget	Registration Report	Annual Report and Accounts including Auditors Report	Budget Strategy
Minutes of Meetings: PEC (Public/Private) AC (Private) PC (Private)	Business Plan	Investment and Reserves Review	FTP Chairs Annual Report
	Risk Register (private meeting)	Committee Annual Reports	Registration Report
	Minutes of Meetings: PEC (Public/Private) AC (Private) PC (Private)	Equality, Diversity and Inclusion Annual Report	NCOR Concerns and Complaints Report
		Welsh Language Scheme Annual Report	Risk Register (private meeting)
		Minutes of Meetings: PEC (Public/Private) AC (Private) PC (Private)	Minutes of Meetings: PEC (Public/Private) AC (Private) PC (Private)