

Meeting of Council

Minutes of the 112th Meeting of Council held in public on 29 July 2021, hosted via Go-to-Meeting video conference

Unconfirmed

Chair: Dr Bill Gunnyeon

Present: Daniel Bailey
Sarah Botterill
Professor Deborah Bowman
Elizabeth Elander
Caroline Guy
Simeon London
Dr Denis Shaughnessy
Deborah Smith

Presenting: Steven Bettles, Policy Manager, Professional Standards
Fiona Browne, Director, Education, Standards and Development
David Bryan, Regulation Manager (Item 6)
Ben Chambers, Senior Registration Officer (Items 10 and 11)
Sheleen McCormack, Director of Fitness to Practise
Adarsh Muppane, Senior Digital Communications Officer (Item 16)
Liz Niman, Head of Communications and Engagement
Matthew Redford, Chief Executive and Registrar
Maxine Supersaud, Head of Resources and Assurance

External Participants Chris Shapcott, Chair, Audit Committee (Items 10 and 11)
Andrew Harvey, Chair, Professional Conduct Committee (Item 8)
Simon McGeachie, Fairstone Asset Management (Item 9)
Steven Oliver, Brewer Dolphin (Item 9)

In attendance: Marcia Scott, Council and Executive Support Officer

Observer/s: Maurice Cheng, Chief Executive, Institute of Osteopathy (iO)
Colette Higham, Senior Scrutiny Officer, Professional Standards Authority (PSA)
Stephen Ladbroke, GOsC Facilities Manager

Item 1: Welcome and apologies

1. The Chair welcomed all to the meeting. Special welcomes were extended to all the external participants and observers.

2. Apologies were received from Dr Joan Martin, and Esther Akinfenwa, Senior Scrutiny Officer, Professional Standards Authority.

Item 2: Questions from observers

3. There were no questions from observers.

Item 3: Minutes

4. The minutes of the 111th meeting, 20 May 2021, were agreed as a correct record.

Item 4: Matters arising

5. Registration Fee Amendment Order: It was confirmed that the Executive are continuing to seek updates on the progress of the Registration Fee Amendment Order and have been advised that, at the time of this meeting, the Order is with the Department of Health and Social Care lawyers.
6. Members were informed that in terms of any immediate impact the pressure relating to registrants moving to non-practising status and the reduction in income from registration fees had eased. However, it remained that any event which might lead to registrants moving to non-practising status, would be a risk.

Noted: Council noted the content of the report.

Item 5: Chair's Report, appointments and reappointments

7. The Chair gave an update on his activities since the last meeting. The following points were highlighted:
 - a. The Annual Performance Reviews (APR) have been completed for members of Council, the independent Lay member of the Remuneration and Appointments Committee (RaAC), the Committee Chairs (Audit, Investigating and Professional Conduct Committees) and the Chief Executive and Registrar. The Chair thanked everyone for their time and participation in the review exercise. The Chair also thanked Council Members Simeon London, and Sarah Botterill, for conducting the Chair's own appraisal and informed members that the outcome of his APR and objectives for the coming year would be circulated once signed off.
 - b. On behalf of the Council a letter of welcome has been written and sent to the new Secretary of State for Health and Social Care, the Right Honourable Sajid Javid MP. Although it is not clear how the appointment might impact the programme of regulatory reform the key points included in the letter are that the GOsC broadly supports the proposals in the DHSC consultation 'Regulating healthcare professionals, protecting the public' and that there was a 'need for these changes to take place quickly and be implemented within a defined timescale for all the healthcare regulators, and that the GOsC would engage with the independent review of regulators. The second

point made was that in relation to a review of the number of regulators, whatever the outcome of the review, we believe that the determining factor should be that the potential disruption from any proposed structural change is outweighed by significantly enhanced patient and public protection.

- c. The Nursing and Midwifery Council have appointed a new Chair, Sir David Warren, commencing July 2021. An introductory meeting is to be arranged.
8. The Chair sought Council's approval to appoint Andrew Harvey as the Chair of the Health Committee, on an interim basis, for no longer than until 31 March 2022.
9. The key points for seeking the appointment were highlighted:
 - The need to appoint a new Chair of the Health Committee following the end of the term of office of the previous incumbent.
 - The internal process to determine whether an existing lay member of the Professional Conduct Committee (PCC) may be suitable has yet to fully conclude.
 - If, through the internal process, a suitable candidate is not identified from the existing membership of the PCC the process to recruit externally will be implemented.
 - The proposal that an interim appointment is made, being that of Andrew Harvey, who is already Chair of the Professional Conduct Committee. This appointment would last no longer than 31 March 2022, and until an appropriate candidate is appointed.
10. Council had no additional comments concerning this item and agreed the recommendation as set out.

Noted: Council noted the Chair's report.

Agreed: Council agreed to appoint Andrew Harvey as the interim Chair of the Health Committee on an interim basis until 31 March 2022.

Item 6: Chief Executive and Registrar's Report

11. The Chief Executive introduced the item which gave a review of activities since the last meeting, May 2021, not reported elsewhere on the agenda.
12. The key messages from the report were highlighted:
 - a. The PSA performance review for 2020-21 continues. PSA have asked a further set of targeted questions in response to the submission to the initial set of targeted questions. A response has been submitted and are now waiting to hear from PSA.

- b. A response has been submitted to the Department of Health and Social Care (DHSC) consultation on regulatory reform titled, 'Regulating healthcare professionals, protecting the public'. Council was thanked for its input into the response.
- c. KPMG have been appointed by the DHSC to undertake an independent review into the number of regulators.
- d. Two meetings have been held with the new Chair of the Council of Osteopathic Education Institutions (COEI), Ian Fraser, since the previous meeting of Council. Discussions have included the strategic direction of COEI, and it has been agreed to meet with Ian on a monthly basis. It was also confirmed that the Chair of Council would be meeting with Ian Fraser in September.
- e. GOsC is now a signatory on the new edition of the Emerging Concerns protocol.

13. The following points were made and responded to:

- a. PSA Annual Review: It was confirmed that there are no particular concerns regarding the targeted questions raised by the PSA. The majority of the questions relate to the Good Thinking Society enquiries into advertising claims and the process for managing the enquiries.
- b. Emerging Concerns Protocol: Members noted the CQC Emerging Concerns Protocol welcoming the initiative and that the GOsC was now a signatory to the scheme recognising the importance of collaboration. There would be regular quarterly meetings involving a number of health care regulators; it was not anticipated that this would have a significant impact on GOsC in terms of time and resources.
- c. It was noted and agreed that key messages of particular relevance to Registrants and posted on social media, like the Emerging Concerns Protocol and regulatory reform, could be made more prominent in communicating the Council's activities. We should ensure that headline messages relevant to the profession are highlighted and easily accessible, especially when highlighting areas of development and the progress of the profession into wider healthcare system.
- d. Letter to the Secretary of State: It was also noted that the letter which had been sent to the Secretary of State for Health and Social Care was a significant news item for the profession. It was suggested and agreed that the letter could have been published more widely as it demonstrated, when considering the proposals relating to regulatory reform, how the Council advocates its position on behalf of the profession.

- e. It was confirmed that implementation of the Communications and Engagement strategy was in progress and all feedback was welcomed by the Executive.
14. Business Plan Monitoring reporting period to 30 June 2021: It was noted that as at the date of the reporting period activities are on track with no significant delays.
15. Financial Report: two months to 31 May 2021: The Head of Assurance and Resources introduced the financial report. The key messages and following points were highlighted:
- a. Income and expenditure levels are consistent with expectations for the two months to 31 May 2021.
 - b. The Balance Sheet is in a strong position meaning the future challenges can be approached from a position of financial health.
 - c. The cash at bank is up on the year-end position reflecting the number of registrants renewing their registration and paying in full.
 - d. The investment portfolio has recovered significantly following the stock market crash at the beginning of the global pandemic.
16. The following points were made and responded to:
- a. It was confirmed that there has been no significant change in the number of new graduates applying to join the register in comparison to previous years.
 - b. Members were reminded that in early 2020 because of the difficulties in the markets due to the pandemic the reserves position had been challenging and a concern but with the market recovery the GOsC's reserves position also recovered and has shown growth. It was acknowledged that Registrants could misinterpret the increase in the reserves when taking into considering the issues relating to registration fees and calls for a fee reduction. The Chief Executive acknowledged that with the publication of the Annual Report and Accounts that communicating the financial position would be an area which would need to be handled with sensitivity.
17. Performance Measurement Report 2020-21: The Chief Executive introduced the Report highlighting:
- a. In presenting the report for 2020-21 there is now a greater focus on the narrative.
 - b. The report has been prepared through the lens of the COVID-19 pandemic.

- c. It is confirmed that the report has been considered by the Audit Committee. The Chair of the Audit Committee had no additional comments relating to the report.

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

- a. Members suggested that in considering Performance Measurement no. 1. *The public and registrants continue to have confidence in our work*, there may be a need to unpick and clarify the statement in order to determine and quantify the level of confidence and understanding that registrants have in the work/role of the Council.

The Chief Executive responded that over the course of time there has been marked improvement in how the Executive communicates the role and purpose of Council and its activities. However, the comments raised would be considered by the Audit Committee. It was also noted that with the implementation of the Communications and Engagement Strategy 2021-24, metrics to better identify/quantify how messages to the profession are received are being developed. It was acknowledged that success in this activity would take time, but the perceptions of registrants were changing and improving. It was also highlighted that the Gerry McGivern¹ research published earlier in 2021, demonstrated that osteopaths were more confident than in previous years that the profession was well regulated and that there are a number of initiatives to evaluate the effectiveness of performance being undertaken at present.

b. In summary the Chair:

- Noted the discussion highlighted and acknowledged the work that is ongoing in terms of communications and engagement with the profession and the public.
- Suggested the Executive continue to consider the approaches on how to effectively measure and evaluate the confidence and understanding of registrants on the work of the Council.
- In considering the issues raised to be mindful of the 'communication paradox' where the more regulators try to engage, confidence can appear to diminish.
- Suggested as well as the discussions with the Audit Committee the Executive could consider using the expertise of members of Council, to explore the issues raised.
- Noted that this activity could be reviewed in tandem with the GOsC's performance in the context of regulatory reform.

Noted: Council noted the content of the Chief Executive and Registrar's report.

¹ Gerry McGivern Research – The Osteopath, February 2021 - Regulation: How can we make it better

Item 7: Fitness to Practise Report

19. The Director of Fitness to Practise introduced the item which gave the quarterly update to Council on the work of the Regulation department and the GOsC's Fitness to Practise committees.
20. The key message and following points were highlighted:
 - a. The Regulation department continue to list and hold meetings and hearings through the use of remote hearings and blended hearings, ensuring the safety and wellbeing of all participants.
 - b. At the time of writing, the team have listed 8 of the 16 cases referred by the Investigating Committee (IC) to the Professional Conduct Committee (PCC).
 - c. In this reporting period, the team received 20 concerns and 9 formal complaints were opened which is comparable to the previous year.
 - d. There has been a marked decrease in cases closed under the initial closure procedure and an increase in the number of cases referred by Screeners to the Investigating Committee. This may be a reflection of a change to normal processes of referral and concerns received but not conclusive.
 - e. Mr Gerard Garrote was found guilty at Westminster Magistrates' Court on 5 May 2021, on one count of using the osteopathic title while not registered with the GOsC. This is contrary to section 32(1) of the Osteopaths Act 1993.
 - f. On 21 June 2021, Amanda Purcell appeared at Wigan Magistrates' Court and was found guilty on two counts of using the osteopathic title while not registered with the GOsC, contrary to section 32(1) of the Osteopaths Act 1993.
21. Dataset: The Regulation Manager presented the statistical report highlighting the following:
 - a. The type of concerns being referred to the team for Q1 relate mostly to issues associated with COVID-19 and include inappropriate comments on social media which could bring the profession into disrepute and also the failure to adhere to rules relating to the wearing of PPE.
 - b. The number of concerns closed under the initial closure procedure have significantly decreased and is reflective of the high number of cases considered by Screeners in Q1 and also in the reduced case load at the beginning of Q1.
 - c. Of the 14 cases waiting for IC consideration:
 - Two are waiting for the conclusion of third-party investigations.

- Six have been scheduled for IC consideration including an additional IC meeting.
 - Six are being investigated.
- d. The number of cases considered by the IC are lower than in recent years due to:
- The decreased caseload during Q3, Q4, and Q1. The caseload is now increasing.
 - The constraints of remotely held meetings which take longer to conduct. A review of the remote hearings protocol is being planned to address some of the difficulties.
- e. The end-to-end timescale for the Professional Conduct Committee (PCC) has been impacted by the pandemic over the past year and includes delays in rescheduling of cases for the PCC. Half of these cases have now been scheduled and forecasting anticipates will meet the 52-week KPI.

22. The following points were made and responded to:

- a. It was confirmed that the IT issues experienced with the online hearings platform Caselines was due to a complexity submitted by the defence Counsel and the extraction of a report. The issue was resolved after liaising with Caselines. It was confirmed that a review of the remote hearings protocol is being undertaken and a Caselines protocol is being developed and will explicitly address this issue.
- b. It was confirmed that following the delays experienced during the pandemic the expectation was that there would be some fluctuation within the KPIs over the next few reporting periods. During the next quarter, and taking into consideration what has been scheduled for the IC, a decrease is expected but as cases progress to PCC this will have an impact on the end-to-end timescale.
- c. It was acknowledged that a number of factors can lead to delays in the progression of cases at the investigating stage which impact the KPIs, but it was noted that the process for investigating cases had changed in the past year and there was now more front loading of cases which has led to fewer adjournments by the IC. The review of remote hearings will explore and consider the reasons why the IC is taking longer to conduct remote hearings, to make decisions, and draft reasons.

Noted: Council noted the Fitness to Practise report.

Item 8: Reflections from Andrew Harvey, Chair, Professional Conduct Committee (PCC)

23. The Chair welcomed Andrew Harvey to the meeting. His formal appointment to the role of Chair of the Professional Conduct Committee commenced in April 2021, and he was invited to give an update on his activities of his first three-months in post and his reflections since joining the GOsC.

24. Andrew gave a brief outline of his background and experience including a number of Non-executive roles currently held:

- Lay member of the Costs Lawyers Standards Board
- Chair, Investigating Committee for the General Pharmaceutical Council
- Chair Fitness to Practise Committee at the Nursing and Midwifery Council
- Member of the Legal Practise Disciplinary Tribunal, Northern Ireland
- NED roles with the Scottish Government Land Registry.
- Previously held the position of non-executive director and chair, HR, and Audit Committees for the Independent Office for Police Conduct.

25. Andrew gave an update on his activities to date:

- Attended and completed the formal induction with the other FtP Appointees
- Attended a handover meeting with Richard Davies, the previous Chair of the PCC, and also met the IC Chair, Brian Wroe.
- Attended regular meetings with the Chair of Council and also met with the CE&R, the Director of FtP, and the Regulation Manager:
- Met with all members of the PCC and completed the 17 Annual Performance Review (APR) of the Committee. His own APR has been completed
- Implementing an 'irregular' PCC newsletter to ensure engagement and communications with members of the Committee.
- Although yet to sit at a PCC meeting has observed a hearing

In reflecting on the role to date:

- The work of the PCC is in a good place.
- The members of the PCC have a good understanding of their role
- They apply thought to their decision making
- They have a good appreciation of the independent nature of the role of the PCC and the public interest
- There is a good team ethic between members seeing themselves as a committee/panel rather than focus on the individual.

Where there could be improvements:

- In the communications from Council to the PCC and between the Committee as a group. Also developing communications between the PCC and the IC.
- Listening to feedback from colleagues and where appropriate taking action.
- Ensuring the timely payment of remuneration/expenses.

- Considering and ensuring timely succession planning

26. On behalf of Council the Chair thanked Andrew for his update and wished him well for the future as PCC Chair.

Noted: Council noted the update of the Chair of the Professional Conduct Committee.

Item 9: Review of Reserves and Investments

27. Steven Oliver, Brewin Dolphin, and Simon McGeachie, Fairstone Asset Management, were welcomed to the meeting.

28. The Head of Assurance and Resources introduced the item reminding Council that the GOsC holds reserves to ensure it has sufficient funds to guard against unforeseen events. In addition, to protect its cash reserves, the GOsC has a managed investment portfolio held through Brewer Dolphin. The paper reviewed the reserves position and the performance of the GOsC investment portfolio.

29. The key message and following points were highlighted

- a. It is good practice to hold reserves for unforeseen events and to invest excess funds in order to protect the cash asset from inflation erosion. It is also good practice to review both reserves and investments on an annual basis, which Council does at its July meeting.
- b. Council has previously agreed a target reserves range of between £350k - £700k which is based on its assessment of risk and the possible financial impact. For the year ended 31 March 2021, we are holding funds above the target reserves range which is due to the recovery of the investment portfolio.
- c. A new designated fund has been created for general legal costs which may be associated with High-Court and/or Court of Appeal appeals. This is set at £100k.
- d. The investment portfolio suffered a large loss in 2020 due to the impact of the pandemic on the stock market. By the year ended 31 March 2021, the portfolio had recovered and was valued at £1.235m, which is a significant recovery.
- e. The most up to date investment valuation at 30 June 2021 is £1.272m.

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

- a. Equality and Diversity Statement: Members queried the Equality and Diversity cover statement:

Council has discussed ethical investments; however, it recognised this would limit any return the GOsC might receive and may not protect the overall asset, which is a key principle of the investment portfolio.

It was explained that the Equality and Diversity Statement had been discussed by Council in the past and the position agreed was to maintain and enhance the cash value of investments wherever possible. To pick and choose investments was counter to the aim of ethical investments at that time. There had been no specific discussion this and it would be for Council to decide if the statement should be reviewed.

- b. In response to the suggestion that it might be helpful to compare the GOsC's investment approach to that of other regulators strategies members were cautioned that although there was cause for testing the markets and seeing what other regulators might be doing in relation to finances, to draw comparisons would be a risk. What must be considered and assessed is the risk as set out in the report and how the GOsC is developing the target reserve position; are they the right risks; are the risks relevant to the GOsC context; are there risks that have been missed? There would be a reluctance to adopt the comparative approach against other regulators as their positions are vastly different to that of the GOsC and rather than look more broadly consider what the risks are for the GOsC position.

31. Steven Oliver, Brewin Dolphin and Simon McGeachie gave their reports:

Brewin Dolphin

- a. During the financial year 2020-21 there has been a portfolio return of 22.16% net.
- b. Since mid-2020 there has been a strong recovery in the markets which has continued with the introduction of the vaccines and vaccination programme to combat the COVID-19 pandemic.
- c. Moving forward the markets are dependent on developments in two specific areas:
 - i. Concerns relating to the ongoing pandemic situation: data suggests that the situation will continue to improve.
 - ii. Concerns relating to inflation and whether this will be a transitory or a long-term event.

It was considered that if there was a period of inflation it would be transitory as the current economic situation is improving and is considered to continue to do so.

- d. The GOsC portfolio for the new financial year 2021-22, has started well. From the portfolio construction perspective, it is likely that the fixed interest

weightings will reduce towards the lower levels allowed within the risk profile and have exposure to equities and assets such as infrastructure projects, in particular areas related to new clean economies and environmental concerns and will provide better investment opportunities looking to the future.

- e. Environmental and Social Governance (ESG): ESG is now an important area for the investment industry covering nearly all sectors and differs from ethical investments which excludes certain sectors. All companies within the markets have an ESG rating linked to government policies. Brewin Dolphin is embedding ESG into its culture and has partnered with BMMO to act as its responsible engagement partner for investments held, for individual stocks and portfolios is partnered with Sustainalytics. In relation to funds and investment trusts, Fund Managers will be required to complete an ESG ratings and due diligence questionnaire.

Fairstone Asset Management

- f. There is still large cash holding within the portfolio and it was suggested a decision would be required from Council as to whether it should be invested or returned to be deposited into the GOsC account.
32. Both Brewin Dolphin and Fairstone agreed that they could provide guidance and advice on ESG and ethical investments, and assist in developing a statement appropriate for any change in approach.
33. The Chief Executive acknowledged the report and the issues raised. It was agreed that the cash position and issues relating to ESG, and ethical investments should be addressed at the next meeting in November.

Noted: Council considered and noted the review of the reserves position.

Agreed: Council agreed to the designation of £100k for general legal costs.

Noted: Council considered and noted the GOsC investment position.

Item 10: Annual Report and Accounts 2020-21

34. The Head of Assurance and Resources introduced the item seeking Council's approval for the publication of the Annual Report and Accounts for the financial year 2020-21.
35. The key messages and following points were highlighted:
- a. The annual audit was undertaken by Crowe in May 2021 and covered a financial year where staff worked from home.
 - b. The Executive have developed the Annual Report which details the activity we have undertaken in the year across our four strategic goals, our work across

the four countries, our narrative around our areas of risk and our financial report, which this year is centred around the Value Proposition, our articulation of where our regulatory approach adds value.

- c. The audit ran smoothly with just two minor control points identified. These are set out in the Audit Findings Report and were scrutinised by the Audit Committee at its meeting in June 2021.
- d. The Audit Committee recommend the Annual Report and Accounts to Council subject to Council discussing whether to keep a provision or a contingent liability in the accounts was necessary for potential future costs which might arise as a result of an employment tribunal case that involves the Nursing and Midwifery Council (NMC).
- e. The Executive proposes that the provision is kept within the accounts as this reflects a prudent and cautious financial approach to a possible developing issue.
- f. Audit Committee considered information provided by the Executive on whether the GOsC was a going concern. The Executive and Audit Committee concluded that the GOsC remained a going concern.
- g. Council will be asked to approve the Letter of Representation which will be signed by the Chair alongside the Annual Report and Accounts.
- h. The Annual Report and Accounts need to be laid before both Houses of Parliament by 30 September 2021, and we also need to submit the accounts to the Charity Commission within nine months of our year end.

36. The Chair of the Audit Committee highlighted the following:

- a. The Audit Committee have discussed the reports with the Executive and the auditors. The Committee are satisfied to recommend the approval of the Annual Report and Accounts.
- b. The provision in the accounts for £65,500 for FTP Committee members holiday pay due to the employment tribunal case involving the Nursing and Midwifery Council (NMC). The case is ongoing, and the provision has been made to cover potential costs which GOsC might incur as a result of the wider employment tribunal claim.

The Audit Committee has considered the provision and concluded on two specific issues:

- i. The amount is the correct amount to provide for any potential costs.
- ii. That, on balance, the provision should be included in the accounts.

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

- a. It was confirmed that at this point in time the provision related only to holiday pay and it was not possible to establish if there might be any wider implications relating to pay and benefits.
- b. It was confirmed if the GOsC were required to meet the costs relating to holiday pay as outlined, the calculation would be retrospective and based on days individuals undertook recorded GOsC activities.
- c. It was explained that Financial Reporting Standard 102 (FRS102), in relation to the provision, applies when a contingent liability or provision must be entered into accounts. The Audit Committee's conclusion sets out in the narrative the reasons it is more likely that the provision will need to be met if that need materialises.

In reference to paragraph 7 the Letter of Representation for the financial year 2020-21 and refers to 'any actual or possible litigation or claims against the charity' of which there are and have been none. Therefore, in terms of a potential claim that might exist in the future it is unlikely that the provision is likely to happen in the immediate future.

- d. It was noted that the sentence on page 31 of the Annual Report stating that the number of registrants on the register had grown was incorrect and confirmed that it would be amended.
 - e. It was explained the report provided to the Audit Committee at the June meeting included a section which considered the GOsC as a 'going concern' relating to matters which includes the GOsC cash position, future forecasting, and the position of the register. This was additional information for the Audit Committee over and above what was provided in previous reports and in particularly in the context of the pandemic. The Audit Committee considered the report carefully and were satisfied with the information and that it was a fair assessment of the Council. It was added that the auditors will have also assessed the GOsC's own assessment as a going concern to be true and fair.
38. The Chair, on behalf of Council, thanked all members Audit Committee and the staff who have contributed to producing the Annual Report and Accounts 2020-21.

Council agreed the following recommendations:

- a. To note the Audit Findings Report**
- b. To note the Letter of Representation to be e-signed by the Chair of Council.**
- c. To agree to include a provision in the accounts for a potential future liability related to holiday pay for fitness to practise panel members.**

- d. To approve the Annual Report and Accounts for e-signing by the Chair of Council.**
- e. To note the annual reporting requirements associated with the Charity Commission.**

Item 11: Audit Committee Annual Report

- 39. The Senior Registration Officer introduced the item which presented the Annual Report of the Audit Committee 2020-21.
- 40. The Chair of the Audit Committee highlighted the following:
 - a. The Risk Register is reviewed at every meeting of the Audit Committee and during this reporting period in particular there has been a focus on the COVID-19 pandemic and risk posed to financial audit and management of the GOsC including the closure of Osteopathy House. The pandemic and its subsequent challenges have been managed successfully by the Executive.
 - b. Due to the pandemic the planned internal audits for summer 2020 were delayed but have now progressed and both the EDI review and the review of Governance procedures were completed. Two more reviews are being planned for the coming year.
 - c. A review of the Committee's effectiveness is conducted annually. To date there have been no concerns, but it is planned for a more in-depth review to take place in due course.
 - d. At each Audit Committee meeting the GOsC Monitoring report is reviewed, and covers a number of risk areas of GOsC business. The following in particular are noted:
 - Security and data breaches: Reported breaches have been low during the reporting period but the risks relating to emails and email accounts remain a concern. It was reiterated to Members of Council, the Committees, and GOsC staff the care and consideration that must be taken when using e-communications.
 - PSA learning points: these have recently been included as part of the monitoring report and have provided valuable insight to areas of the GOsC work which the AC would not normally be party to.
 - e. Chris informed members that his tenure as Chair of the Audit Committee would be ending in March 2022, and therefore this would be his final report to Council. He thanked Council and Committee colleagues, the Executive, and particularly Ben Chambers, for their support during his term of office.

- 41. The following points were made and responded to:

- a. It was agreed that the workplan of the Audit Committee should be reviewed by Council as part of its monitoring remit.
- b. The Executive responded to a concern raised about the risk posed by 'ransomware' to the GOsC. It was explained the changes implemented following the Crowe audit of the GOsC IT systems in 2017, included the restructuring of the facilities and IT functions and the introduction of an IT Manager. Since that time the IT infrastructure has been significantly improved with effective mitigations put in place to address cyber security risks and includes regular communications and training for staff to raise awareness of the risks and individual responsibility.

42. In conclusion the Chair asked that his thanks be noted for:

- a. The members of the Audit Committee for their work and commitment and for providing the levels assurance to Council through its scrutiny.
- b. The Executive and Ben Chambers for all the work in preparing the reports and providing support to the Committee.
- c. Chris Shapcott for his contribution and work as Chair of the Audit Committee.

Noted: Council noted the Annual Report of the Audit Committee 2020-21.

Agreed: Council agreed that it would that it would monitor the workplan of the Audit Committee as part of its oversight remit.

Item 12: Equality, Diversity and Inclusion Framework 2021-24 including Annual Report 2020-21

43. The Chief Executive introduced the report which presented the Equality, Diversity and Inclusion Framework 2021-24 for approval and had been updated to reflect feedback collected since the draft framework was published in February 2021. Thanks were recorded to Rachel Heatley for the work she had done to collect feedback from patients and other stakeholders which informed this paper.

The paper also presented the GOsC Equality, Diversity and Inclusion Annual Report to Council and the work undertaken on equality and diversity in the year 2020-21.

44. The key messages and following points were highlighted:

- a. Council agreed to publish a Draft Equality, Diversity and Inclusion Framework 2021-24 in February 2021 and to seek feedback from stakeholders including patients and the public. Feedback has been collected and themed as set out in the report.

- b. The Equality, Diversity and Inclusion Framework 2021-24 has been updated to reflect the feedback and is submitted for approval.
 - c. The text around one aim of the framework has been amended (Promoting equality changed to Promoting Equity); the text within the framework has been strengthened, and an action has been added around signposting resources for the profession to use to consider EDI.
 - d. Council also receives an annual equality, diversity and inclusion report and this is also presented. The report references the work on increasing the diversity of applications for non-executive vacancies; how equality and diversity as part of our CPD evaluation has been considered and the independent audit completed by an equality expert in 2020.
45. Council had no additional comments concerning this item and agreed the recommendation as set out

Agreed: Council approved the Equality, Diversity and Inclusion Framework 2021-24.

Noted: Council noted the Equality, Diversity and Inclusion Annual Report 2020-21.

Item 13: Council Associates Programme

46. The Chief Executive introduced the item which proposed the introduction of a Council Associates Programme, a scheme to provide osteopaths with the opportunity to shadow Council to enhance their understanding of how governance works in practice.
47. The key messages and following points were highlighted:
- a. The Remuneration and Appointments Committee (RaAC) discussed the concept of Council Associates in March 2021 and June 2021. The RaAC recommend to Council the implementation of a Council Associates Programme (CAP).
 - b. The purpose of the CAP would be to help identify future governance leaders and may bridge the challenge associated with generating high quality registrant applications for governance positions.
 - c. Across governance structures there is an underrepresentation of diversity and the CAP would look to address that within our context.
 - d. A short statement has been developed summarising the purpose of the CAP:

'The Council Associates Programme seeks to identify talented individuals within the profession who have the potential to develop their skills and knowledge to undertake future non-executive positions, either at the

General Osteopathic Council (GOsC) or elsewhere. We are looking for applications from people with a genuine interest in personal development and we will provide them with mentoring to give them the best chance of learning and developing new skills.'

- e. The proposal is to appoint 2 or 3 CAP appointees for a term of office of two years. A timeline for the introduction of a CAP would see the first appointees in post for 1 April 2022. Recruitment would commence around September 2021.

48. The following points were made and responded to:

- a. It was confirmed that as well as well as receiving a day rate for attendance the successful candidates to the Council Associates Programme will be paid reasonable travel expenses.
- b. To ensure appropriate support and guidance Council Associates, like all Council and Committee appointees, will be required to participate in an induction session. A system of mentoring will also be introduced and it is planned where possible members of Council to participate in this initiative.
- c. Although the programme is initially set for two-years there will be scope for flexibility as it is recognised that the time commitment may be significant for registrants. It is a new initiative and therefore will be monitored to gauge the correct balance of time commitment. It was also pointed out it was not guaranteed that Associates would automatically be selected as a potential Council or a Committee member. An online event is being organised for Registrants to take place in September and feedback will be sought on the initiative.

Agreed: Council approved the introduction of a Council Associates Programme.

Item 14: Insights and reflections from external reports

49. The Chief Executive introduced the item which provided Council with insights and reflections from the publication of externally produced reports.

50. The key messages and following points were highlighted:

- a. Bringing insight into the business of the GOsC is a key component of the GOsC Strategic Plan 2019-24 and the Communications and Engagement Strategy 2021-24.
- b. A number of external reports have been considered and set out reflections on who we might use the insights/reflections in our future work. The reports considered are:

- Professional Standards Authority (PSA) - covid-19 review: learning from a crisis (a case study review)
 - PSA - Ethics in extraordinary times: practitioner experiences during the pandemic
 - PSA - cognitive biases in fitness to practise decision making: from understanding to mitigation
 - The Kings Fund - My role in tackling health inequalities: A framework for Allied Health Professionals
 - NICE - shared decision-making guidance
- c. Examples of the insight/reflections across the reports include:
- Ensuring the patient voice remains central to our work (PSA covid-19 review)
 - Reviewing how the GOsC have implemented remote hearings and meetings so we ensure we carry forward that learning into our future work (PSA covid-19 review)
 - Reviewing ethical considerations in the GOsC context, for example around the use of judgement and how this applies to standards (PSA ethics in extraordinary times)
 - Signposting resources available to the profession and drawing the link to the Osteopathic Practice Standards (Kings Fund report and NICE guidelines).

51. The following points were made and responded to:

- a. Members welcomed the report, and the links and benefits in horizon scanning. As a way of raising public confidence and interest the report demonstrated the interconnectedness of osteopathy and other healthcare professions and also that the profession operates within the similar parameters set for healthcare regulation.
- b. It was suggested that to encourage greater involvement from registrants an invitation could be extended for those interested to comment on or participate in a discussion on new documents and areas of relevance to the profession. It was added that it was an important opportunity for the profession to engage and get improve understanding of what all health regulation is about and how registrants can fit into wider healthcare environment.
- c. In considering whether registrants recognise the opportunities that may be available to them it was noted that the traditional route in a registrant's personal development was through education. If through improved communications and engagement registrants could be encouraged to broaden their scope and recognise possible opportunities, it would be of benefit not only to the individuals but also the profession.

- d. Members commented that the reports aligned well with the GOsC Strategic Plan and demonstrates that the approach to governance is evidence informed and supports decision making.
- e. The importance of how to embed learning that is appropriate from a diverse range of contributors was highlighted. How to employ and implement the learning would be something Council would need to further reflect on.

Noted: Council noted the content of the report.

Item 15: London College of Osteopathic Medicine (LCOM): Recognised Qualification (RQ) expiry date extension

52. The Policy Manager introduced the item concerning the extension of the current London College of Osteopathic Medicine RQ expiry date from 16 July 2022 to 16 July 2023.

53. The key messages and following points were highlighted:

- a. This paper sets out a proposal for addressing the fact that LCOM has no current cohort of students due to it having only one cohort at a time and due to the COVID pandemic impacting on recruitment and therefore the impact of this on the planned Recognised Qualification (RQ) review visit.
- b. It is recommended that the current RQ expiry date of 16 July 2022 be extended by one year to 16 July 2023.
- c. This approach was recommended by the Policy and Education Committee (PEC) at its meeting of 29 June 2021.
- d. The Chair of the PEC confirmed the Committee had considered the LCOM Recognised Qualification expiry date at its meeting 29 June, and had no additional comments relating to the recommendation.
- e. Privy Council approval to extend the RQ expiry date will be required.

54. It was noted for an institution to complete an RQ review it would need to have an established student cohort. There was a possibility that the institution could fail to recruit, and the question is one which would require consideration by the PEC and Council. The LCOM at this stage are optimistic that they will recruit and are in regular contact with the Executive/Professional Standards Team about its position.

Agreed: Council agreed to extend the expiry date of the RQ LCOM programme from 16 July 2022 to 16 July 2023 and seek the approval of the Privy Council.

Item 16: Welsh Language Scheme Annual Report

55. The Senior Communications Officer (Digital) introduced the item. Under the Welsh Language Act 1993, the General Osteopathic Council (GOsC) is required to publish an annual report on the implementation and progress of its Welsh Language Scheme. The paper introduced this year's annual report.
56. The key messages and following points were highlighted:
- a. In October 2020, GOsC responded to a consultation on proposed Welsh Language Standards. Our response was supportive of the proposals in principle, but raised concerns on proportionality and the impact the Standards would have on a regulator the size of GOsC
 - b. GOsC met with Alan Jones, Head of Welsh Language Legislation Branch, and Lowri Jones, who is working on the Standards with Alan, in November 2020 to discuss the possibility of producing a case study on GOsC's 'Welsh spoken' functionality of its Register, which identifies practices where patients can access services in Welsh.
 - c. GOsC attended a PSA meeting on regulation in the context of the Welsh language in March 2021. At the meeting the GOsC had the opportunity to highlight the case studies presented in the PSA COVID Review Report.
 - d. The last reporting year has seen a 39% increase in practices stating that Welsh is spoken at their practice. This brings the current number to 32.
57. In discussion the following points were made and responded to:
- a. Members commended the report and the lead the GOsC appeared to be taking in its approach, development and engagement with the Welsh Language Scheme.

Noted: Council noted the 2020-21 Annual Report on the GOsC Welsh Language Scheme and the anticipated changes in Welsh language requirements.

Item 17: Committee Annual Reports: Policy & Education Committee (PEC) and the Remuneration and Appointments Committee (RaAC).

58. The Chair introduced the Annual Reports of the Policy and Education Committee and the Remuneration and Appointments Committee. The Chair commended the PEC for the amount of work it has undertaken and completed during what has been challenging year.
59. The Chair of the Policy and Education Committee highlighted the following:

- a. The work and support of the Professional Standards Team in her first year as a new member of Council and Chair of the Committee.
 - b. The amount of change which the PS Team and the Committee has managed has been significant including the transition to Mott McDonald as the quality assurance provider for the GOsC and the changes at the Council for Osteopathic Education Institutions (COEI) and the introduction of their new Chair.
 - c. As part of its development an evaluation and review of the Committee has been undertaken and a facilitated discussion took place at the meeting in June 2021. There will be further discussions to progress the Committee's development at future meetings.
60. Council had no additional comments relating to the Annual Report of the Policy and Education Committee.
61. The Chair of the Remuneration and Appointments Committee highlighted the following:
- a. There has been some question about how appropriate it is for the Chair of Council to also be the Chair of the RaAC. The position is under review.
 - b. Apart from one member the Committee's compliment at April 2021, was entirely new, this at a time when there were a number of challenging issues for the GOsC including the ongoing pandemic.
 - c. The work of the Executive Team in particular the HR Manager, Amanda Chadwick, is noted.
62. Council had no additional comments relating to the Annual Report of the Remuneration and Appointments Committee.

Noted: Council noted the Annual Reports of the Policy and Education Committee and the Remuneration and Appointments Committee

Item 18: Minutes of Meeting: Policy and Education Committee June 2021

63. The Chair of the Policy and Education Committee had no additional comments regarding the minutes of the PEC meeting 15 June 2021.

Noted: Council noted the unconfirmed minutes of the Policy and Education Committee 15 June 2021.

Item 19: Minutes of Meeting: Audit Committee June 2021

64. The members of the Audit Committee had no additional comments regarding the minutes of the AC meeting June 2021.

Noted: Council noted the minutes of the Audit Committee June 2021.

Item 20: Minutes of Meeting: Remuneration and Appointments Committee, June 2021

65. The Chair and members of the Remuneration and Appointments Committee had no additional comments regarding the RaAC meeting June 2021.

Noted: Council noted the unconfirmed minutes of the Remuneration and Appointments Committee, June 2021.

Item 21: Any other business

66. Communication Strategy: Members raised concerns about the need to be mindful of registrant concerns and comments which are posted on social media platforms and the possibility of reputational damage. Members were informed that where registrants use social media to raise issues or concerns wherever possible and appropriate these are responded to. It was agreed that wherever possible there should be a prompt response to issues raised on Facebook or other platforms.

Item 22: Comments from Observers

67. There were no further comments from observers.

Date of the next meeting: 25 November 2021 at 10.00