

GENERAL OSTEOPATHIC COUNCIL

Minutes of the 56th meeting of the General Osteopathic Council held in public on
Tuesday 4 December 2007 commencing at 2.00pm at Osteopathy House,
176 Tower Bridge Road, London SE1 3LU.

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Chairman: Mr Nigel Clarke

Present:

Dr Stephen Barasi	Mrs Rachel Pointon
Mr Martin Booth	Professor Trudie Roberts (from 3.35pm)
Mr Robert Burge	Mr Robin Shepherd
Ms Claire Cheetham	Mr Paul Sommerfeld
Mr John Chuter (Treasurer)	Mrs Rosalind Stuart-Menteth
Mrs Fionnuala Cook	Dr Andrew Thompson
Professor Adrian Eddleston	Miss Fiona Walsh
Mrs Catherine Hamilton-Plant	Mr John Wilden
Professor Ian Hughes	Dr Leslie Wootton
Mr Tim McClune	

In attendance:

Miss Madeleine Craggs, Chief Executive & Registrar (CE&R)
Ms Evlynn Gilvarry, Chief Executive & Registrar designate
Mr Vince Cullen, Head of Development
Miss Gillian O'Callaghan, Head of Registration and MIS
Mr Matthew Redford, Head of Finance & Administration
Ms Brigid Tucker, Head of Communications

Miss Jane Quinnell, Clerk to Council

PREAMBLE

1. Ms Gilvarry was welcomed to her first Council meeting as CE&R designate. She would be assuming office from Monday 10 December 2007. It was confirmed that Miss Anne Jones and Mr Andrew Popat had resigned from Council. Miss Jones had, reluctantly, resigned from Council due to ill health and was hugely disappointed that she could not complete her second term of office. She had been a Council member since 1998 and was thanked by Council for the enormous contribution she had made to Council over nearly a ten year period.

ITEM 55/07: APOLOGIES FOR ABSENCE

2. RECEIVED: apologies for absence from Professor Roberts, who would be arriving late and Ms Margaret Wolff, who was unwell.

ITEM 56/07: ADOPTION OF THE AGENDA

3. ADOPTED: the Agenda as drawn subject to taking Item 63(Pub)/07 (GOsC Statagic Plan 2008-2012 and Budget Report for 2008-09) before Item 61(Pub)/07 (Financial Matters).

ITEM 57/07: QUESTIONS FROM OBSERVERS

4. There were no observers present.

ITEM 58/07: MINUTES OF THE PREVIOUS MEETING AND MATTERS ARISING

5. APPROVED: the minutes of the previous meeting held in public on 18 September 2007, subject to correction to paragraph 1 of Annex A to the minutes to show that 'on average, osteopaths practising in London and the South East of England were available to work 32 hours a week but were actually only working between 10 and 12 hours and seeing 20 patients a week.' Mr Clarke signed a copy of the minutes for the record.
6. There were no matters arising from the Minutes of 18 September 2007 not considered elsewhere on the Agenda.

ITEM 59/07: CHAIRMAN'S REPORT

7. Appointments Committee Mr Clarke and Professor Eddleston had met with senior representatives from the Appointments Commission, at the beginning of October, to discuss the process required to fill Privy Council appointments. The terms of the present Privy Council appointees were due to expire on 8 May 2008. The GOsC had lobbied the Department of Health (DH) to include in the Section 60 Order a provision to extend temporarily current lay members' terms as had been agreed for the Nursing and Midwifery Council. Unfortunately, the lobbying was unsuccessful. Also, the two recent lay resignations would need to be filled through appointment. The Appointments Commission would have to act very quickly to fill posts by May 2008.

AGREED: Professor Eddleston would lead on taking this matter forward.

8. Members were reminded that there had been an osteopathic vacancy since March 2007 and that again, the DH had been asked for some leeway in not filling the post to prevent running an expensive by-election for a very short time before the first S60 Order was implemented. Members were concerned that if the lay positions were filled and the osteopathic vacancy was left vacant, there would be a 12:11 imbalance in favour of lay members. Members were reminded that in fact there were eight Privy Council appointees, three Education Committee appointees (which could be lay or osteopathic) and a Secretary of State appointee who was currently lay but could have been a professional member. There is no power under the Osteopaths Act 1993 to co-opt members to Council.
9. AGREED: that the osteopathic vacancy would be left for a little longer, to save on the cost of a by-election that might not be completed before the first S60 Order was in force. More guidance was needed from the Government on the proposed timescales of the first S60 Order, to assist Council with its succession planning and the CE&R and CE&R (des) would again attempt to achieve this during their handover visit to the DH (see also para. 14 below).

ITEM 60/07: GOVERNMENT REVIEW OF HEALTHCARE REGULATION

10. Members had previously received briefings on the Health and Social Care Bill and the first Section 60 Order consultation currently taking place. Following on from the September 2007 Strategy Day, the non-statutory Communications and Practice & Ethics Committees had met to consider dissolution.
11. Communications Committee (CC) Mr Shepherd confirmed that CC had met in October and agreed to remain constituted for one more meeting in April 2008 to help establish Council's Communications Strategy. It would then dissolve and its work would be carried out by the Executive with CC ex-members remaining available as a resource for the Communications Department.
12. Practice & Ethics Committee (P&E) Mrs Hamilton-Plant confirmed that following P&E's summer meeting as well as the Strategy Day, P&E has agreed not to meet again as much of its work was carried out by the Professional Standards Department (previously the Development Department). Work would commence to merge P&E's work fully into the Professional Standards Department and the Education Committee.
13. AGREED: the dissolution of the Practice & Ethics Committee followed by a process to merge its work into the Professional Standards Department.
14. First Section 60 Order Timings on its implementation were still uncertain. Currently the consultation on the first S60 Order was due for completion in February 2008 and there was still the possibility of implementation by May 2008. A discussion was, however, required for transitional arrangements for the first S60 Order. Members expressed concern about the different timetables for the first S60 Order and the work being undertaken by the Governance Working Group; which had yet to report. Should the Working Group Report come back with different recommendations to those in the draft Order, these might not be taken properly into account.
15. The Second and Third Section 60 Orders The second S60 order predominantly on Fitness to Practise matters was targeted for implementation in April 2009 and the third S60 Order predominantly dealing with revalidation was targeted for 2010. The Health and Social Care Bill was currently going through the legislative process. With regard to Fitness to Practise, regulatory bodies were being encouraged to consider using the Independent Adjudication Body to be established initially for the General Medical Council's Health and Professional Conduct Committee matters. The General Optical Council had agreed to use the services of the Body and other regulators were keeping a watching brief. When the first S60 Order is enacted, regulators will be compelled to have an adjudication process with hearing committees populated by trained lay and professional members totally independent of the Council. The requirements for the constitution of the Investigating Committee were unlikely to be clear until work was further developed on the second S60 Order. However, it was likely that the committee members could not be drawn from the Council.
16. Appointed osteopathic members of Council It was agreed that a working group should be established to draw up the job specifications and competencies for appointed osteopathic members of Council, so that the Appointments Commission had the necessary input to carry out a recruitment process.
17. Size of Council The report from Mr Niall Dixon's Governance Working Group was awaited but early indications were that it would recommend a Council of between 9 to 15 members
18. No issues arose, from the morning debate in closed session, prior to the Council meeting, that required ratification.

ITEM 61/07: FINANCIAL MATTERS

Management Accounts

19. CONSIDERED and NOTED the Management Accounts Highlights Report for the seven months to 31 October 2007.

Osteopathy House

20. The requested feasibility study, in relation to the future of Osteopathy House (OH), with values and costs, was considered by F&GP at its meeting in October 2007. F&GP's findings were then presented to Council. The study had looked at the options that were available for refurbishment/extension work at Osteopathy House, including selling OH and moving to another building. Members carefully considered all options.
21. AGREED: Council agreed to retain OH and to take immediate steps to ensure it was accessible to those with disabilities. It was also agreed that this work should be part of a wider refurbishment to include the addition of another floor.. This work would be taken forward under the auspices of the Finance & General Purposes Committee

ITEM 62/07: 2007/08 BUSINESS PLAN EXCEPTION REPORT

22. RECEIVED: an update on matters completed and an Exception Report on those not yet done, as forecast in the 2007/08 Business Plan.

ITEM 63/07: GOsC STRATEGIC PLAN 2008-2012 AND BUDGET REPORT FOR 2008/09

Draft GOsC Strategic Plan for 2008-2012

23. Miss Craggs presented the draft GOsC Strategic Plan for 2008-2011. With the new leadership (CE&R and Chairman), and being ten years into its operation, this was a chance for the GOsC to update its strategy. . Members discussed the draft document, the salient points of which included:
- a. 'profession led regulation' and what the term actually meant;
 - b. the fact that professional input and regulation of profession helped in setting standards;
 - c. the aspirational nature of the document, the importance of the drafted wording (eg 'we will set and continually review and enhance') and that it was in a plain English format;
 - d. questioning of appropriateness of the wording in the last sentence of the second paragraph on page 3 of 6 stating that osteopathy was the treatment of choice and it was cost-effective;
 - e. that there should be a process for the review of the document with a clear link to the BP and its annual cycle;
 - f. keeping the document short by removal of some of elements eg risk management cycle;
 - g. using the document as a major marketing document for Council;
 - h. clarification on what Council was currently doing with regard to Public Patient Involvement (PPI) strategies and that it should listen to stakeholders whilst choosing the most effective PPI for the GOsC;
 - i. page 4 of 6, fourth paragraph, third sentence – perhaps should read 'Through our active involvement in FORE ...' rather than 'Through our creation ...'; and
 - j. aiming to make the document robust enough (measurable) to show achievement or not of each aim.

24. AGREED: the draft Strategic Plan would be amended in light of the discussions above, for presentation to Council, in its finalised form, for adoption in March 2008. Further AGREED: that the Strategic Plan would be underpinned by a Business Plan, which would outline the work in detail for the year ahead and, where possible, although in lesser detail, for the following year.

The Budget Report for 2008/09

25. Mr Chuter presented the 2008/09 Budget, prepared by the CE&R and SMT. It was based on activity predicted for the forthcoming year. This Budget had previously been presented to F&GP in October 2007 and it was now commended to Council for acceptance. Members discussed various points:
- a. Professional Standards It was planned to have continuing professional development (CPD) returns made online and CPD links to focussed resources eg fitness to practise and research. Discussions were taking place with Elsevier, the publishers, to negotiate access to online journals at reduced rates. Members were requested to feed any other ideas for CPD to Mr Cullen.
 - b. Communications Paragraph 12 of the paper should be headed 'Internal and External Communications ...'
 - c. Employment Reference to the recruitment of a Policy Writer/Adviser had been included to allow Ms Gilvary to recruit additional support for the Secretariat once she had assessed the support she required.
 - d. Registration With the GOsC database increasing in size, a new 'Sequel Server' system was required.
 - e. Legal Affairs This was a difficult budget area given the S60 uncertainties. Contingency funds had been provided for potential hearings under CHRE's S29 powers. Section 32 cases are covered from the Legal Affairs budget.
 - f. Reserves In 2006, the external Auditors had encouraged the GOsC to split its designated fund from its reserves. Designated funds included the Critical Cs workshops, the NCOR Data Collection Project, the challenges likely under the White Paper proposals and the 10th Anniversary Event – *Advancing Osteopathy 2008*.
 - g. Risks These included judicial reviews, major incidents and other adverse events, issues arising from the White Paper and what might happen in 2011 when the position of the GOsC came under review again by the Government.

15.35 Professor Roberts arrived.

26. AGREED: to accept the Budget for 2008/09 as commended by F&GP. Members thanked the SMT for preparing the Budget.

ITEM 64/07: REGISTERING AND REMOVING OSTEOPATHS FROM THE REGISTER

27. CONSIDERED: a policy suggesting that registering and removing osteopaths from the Register could be a delegated responsibility in some cases. With the growing number of osteopaths applying to join the Register, it was now not possible for the Registrar to have sight of all applications, restorations and removals from the Register. The Osteopaths Act 1993 was silent on scrutiny of each application and delegating the responsibility. Legal opinion had been taken on the proposal to delegate responsibility for applications and

removals where they met a pre-determined set of criteria. This delegation did not abrogate the Registrar's duties so efficient processes would be in place and monitored.

28. AGREED: that only applications not meeting the pre-determined criteria and those from outside the UK would be reserved for the Registrar's consideration along with removals other than automatic removals where osteopaths failed to respond to prescribed notices.

ITEM 65/07: ELECTION OF ACTING CHAIRMAN OF COUNCIL

29. Mr Robin Shepherd was elected for a second term as Acting Chairman, as required by The General Osteopathic Council (Constitution and Procedure) Rules 1998. He was proposed by Mrs Hamilton-Plant and Mrs Pointon.

ITEM 66/07: COUNCIL FOR HEALTHCARE REGULATORY EXCELLENCE (CHRE)

30. NOTED: various items as follows

- a. CHRE Council meetings: The Minutes of CHRE's meeting of 13 June 2007. The minutes for CHRE's meeting of 10 October 2007 were not yet available. CHRE had additionally held a strategy meeting, in private.
- b. CHRE Work in Progress: Mr Harry Cayton, the new Chief Executive, was progressing internal matters at CHRE and had visited all the regulators to gain a better understanding of their work. Ms Rosie Varley, President of the General Optical Council, was still the Acting Chair of CHRE whilst CHRE carried out a second recruitment exercise to find a new Chair.
- c. CHRE's Performance Review of the regulators CHRE's Performance Review format, which focused on performance improvement, had been received. The new format involved a set of standards against which Regulatory Bodies would self assess. There were 18 draft standards covering five regulatory functions. The Better Regulation Task Force's (now the Better Regulation Commission) principles apply across all regulatory functions and were central to the definition of the draft standards. The new Performance Review scheme was to be piloted for the 2007/08 Review. A folder of information would no longer be required as there was an assumption that the supporting documentation would be on regulators' websites.

ITEM 67/07: REPORT FROM SENIOR MANAGEMENT TEAM (SMT)

31. NOTED: the written reports from members of the Senior Management Team, with highlights/additional information as follows:

Advancing Osteopathy 2008 801 delegate places had been sold so far for the conferences, along with 350 places for the Gala Dinner. The programme was finalised. 35 scientific poster presentations would be made at the event and international interest in the programme was high. Another mailshot to publicise the event would be circulated with the December/January edition of *The Osteopath*. An email mailshot would also be made and the relevant part of the public website on the 10th Anniversary Event was kept up-to-date. Invitees to the reception, to formally launch *Advancing Osteopathy 2008*, would include those who contributed to and implemented the attainment of statutory regulation, key osteopaths, those active in research and education, external stakeholders, representatives from the Government and the media. The reception would take place at The Drapers Hall, a livery company in the City. It would be a lunchtime event and the Patron would be supporting the event. Members thanked Ms Tucker and Ms Tripney who had worked so hard and continued to work to make *Advancing Osteopathy 2008* such a special

event.

- a. Head of Legal Affairs A professional firm had been engaged to recruit for the vacant post of Head of Legal Affairs and advertisements would be placed in The Times.
- c. Prescribing Rights The Department of Health had announced that optometrists would be able to train to prescribe licensed medicines, independently, for ocular conditions affecting the eye and surrounding tissue. The legislation also enabled other disciplines to apply for the right to prescribe. Professional members commented that the profession was divided on this issue but agreed that if the profession wished to seek prescribing rights, it should be done on their behalf by the British Osteopathic Association rather than the GOsC.

ITEM 68/07: COMMITTEE REPORTS

32. RECEIVED: the unconfirmed minutes from the Communications, Education and Finance & General Purposes Committees. No questions were raised.
33. RECEIVE: oral reports from the Chairmen of the following Committees:

Audit Committee (AC)

- a. The Internal Auditors commissioned to carry out Internal Audit had completed two of the four reviews from the 2007/08 plan covering the Integrity of the Register and a Financial Controls Review. The Integrity of the Register review had highlighted that the Internal Auditors were not as proficient in reporting on non-financial matters. With regard to the Financial Controls Review, the Internal Auditors had concluded that the Council, and its senior management, were aware of the risks presenting in a small organisation. In view of the key controls that were currently in place, it was suggested that increasing the levels of financial control would be disproportionate and would not provide a cost benefit.
- b. With the succession of Professor Eddleston to the Chair of the GOsC on 1 January 2008 and as the Chairman of Council had to sit on F&GP, AC had agreed, subject to Council's sanction, that Mr Clarke and Professor Eddleston exchange their committee places. ACCEPTED: by Council.
- c. AC had noted the Remuneration Committee's suggested Principles and Guidelines on gifts and hospitality. Therefore, a Register of Gifts and Hospitality would be created, to be kept by the Clerk to the Council, and reviewed by the AC periodically. AC agreed that all gifts and hospitality, made to Council members, members co-opted to Council and members of staff, over the value of £10, should be recorded.

Investigating Committee (IC)

- d. The IC had met on 14 November 2007 to consider four new cases. Of these, three were referred to the Professional Conduct Committee to consider allegations of unacceptable professional conduct and/or professional incompetence. IC had also completed the work on its IC Guide which set out its procedures.

Practice & Ethics Committee

- e. There was nothing further to add from that reported at paragraph 12 earlier.

Professional Conduct Committee (PCC)

- f. PCC had sat on four occasions since the previous meeting of Council to consider two new cases and review a conditions of practice order and a suspension order. The Committee also met to review its procedures in light of the cases it had considered in the last year.

ITEM 69/07: ANY OTHER BUSINESS

33. Farewells and Thanks Miss Craggs was retiring from the GOsC after nearly 11 years as Chief Executive & Registrar. Members thanked her for her major contribution to the development of the GOsC as a respected healthcare regulator.
34. Mr Clarke chaired his last Council meeting as Chairman. Members thanked him for his contribution on numerous fronts. He had been appointed to the GOsC designate in 1996 as Treasurer and become Chairman in 2001. He would be leaving the GOsC at the end of his current term of appointment in May 2008.

ITEM 70/07: QUESTIONS FROM OBSERVERS

35. There were no observers present.

ITEM 71/07: DATE OF NEXT MEETING

36. NOTED: the date of the next Council meeting on Tuesday 11 March 2008 at 10.00 am.

Chairman

11 March 2008