Summary minutes of the Medical Council meeting held on 14th and 15th March, 2018 in Kingram House, Kingram Place, Dublin 2.

MEMBERS PRESENT – 14th March, 2018

Dr Anthony Breslin
Dr John Barragry
Ms Vicky Blomfield
Ms Katharine Bulbulia
Ms Mary Duff
Professor Fidelma Dunne
Ms Sean Hurley
Professor Alan Johnson
Ms Catherine McKenna
Professor Colm O'Herlihy
Mr Tom O'Higgins
Dr Michael Ryan
Ms Cornelia Stuart

MEMBERS NOT PRESENT

Professor Freddie Wood
Ms Anne Carrigy
Mr Fergus Clancy
Dr Sean Curran
Dr Audrey Dillon
Dr Rita Doyle
Professor Bairbre Golden
Dr Ruairi Hanley
Professor Mary Leader
Ms Margaret Murphy
Mr John Nisbet
Dr Consilia Walsh

MEMBERS PRESENT – 15th March, 2018

Dr Anthony Breslin
Dr John Barragry
Ms Vicky Blomfield
Ms Katharine Bulbulia
Mr Fergus Clancy
Professor Bairbre Golden
Professor Alan Johnson
Ms Catherine McKenna
Professor Colm O'Herlihy
Mr Tom O'Higgins
Dr Michael Ryan
Ms Cornelia Stuart

MEMBERS NOT PRESENT

Professor Freddie Wood
Ms Anne Carrigy
Dr Sean Curran
Dr Audrey Dillon
Dr Rita Doyle
Ms Mary Duff
Professor Fidelma Dunne
Dr Ruairi Hanley
Ms Sean Hurley
Professor Mary Leader
Ms Margaret Murphy
Mr John Nisbet
Dr Consilia Walsh

In attendance – full meeting

Mr Bill Prasifka (CEO)
Ms Niamh Muldoon (Head of Corporate Governance & Secretary to Council)
Ms Jane Horan (Council & Corporate Governance Manager)
Mr William Kennedy (Director of Regulation)
Ms Penelope Kenny

In attendance – for the relevant parts of the meeting

Mr Philip Brady (Director of Registration and Business Process Improvement)
Mr John Sidebottom (Head of Inquiries, Health and Monitoring)
Ms Deirdre Foley (Head of Finance)
Ms Katie Mulroy (Head of Investigations & Complaints; Solicitor)
Mr Colin Cooper (Head of ICT)
Ms Ciara McMorrow (Head of Procurement & Facilities)
Mr Alan Gallagher (Head of Communications)
Ms Marion Mitchell (Head of Human Resources)
Ms Aoise O'Reilly (Accreditation Manager, Education, Training and Professionalism)
Mr Fergal McNally (Performance Assessment Liaison Manager)

Private Session:

A short private session was held between members present.

CEO's Business

The CEO advised Council that the Communications team are working closely with the Sean O'Rourke show on RTÉ Radio 1 and have secured a piece featuring some of the Directors. This will aim to promote and increase awareness of the wider range of work of the Council activities outside of the usual reporting of complaint and Fitness to Practise processes.

Council noted that an opinions piece had been prepared for the Sunday Business Post which had been well received by Minister Jim Daly, Minister of State as the Department of Health. The piece focused on Continuing Professional Development, patient safety, the Ethical Guide and the joint guidance document with the Pharmaceutical Society.

Council was advised that the drafting of the 2017 Annual Report is being carried out and the redesigned version will be included in the brief for the May Council meeting.

The CEO provided an update in relation to recent recruitment of staff within the organisation and staff training.

The CEO thanked the Corporate Governance Team for a successful Medical Council Away Day. The CEO noted the informative and insightful feedback offered by members present. A follow up action plan and draft induction programme for incoming Council members has been drafted for review by the Nomination and Development Committee,

The CEO provided an update in relation to the Council elections which are due to close on the 21st March, 2018.

The CEO advised Council that a new telephone system in being rolled out to all users and is due to be installed by the end of March.

Council noted that the numbers for first-time applicants for registration were down significantly from 2017. The CEO also advised that the public consultation in relation to the section 11 Rules is on-going and will close on 16th March. An assessment of the responses will then be carried out and any proposed recommended changes to the Rules will be considered by Council at the next scheduled meeting in May.

Council noted that the two undergraduate reaccreditation visits to RSCI Perdana and Penang were successfully completed in January and the reports of these visits will be available for consideration at the Council's next scheduled meeting in May. Council was advised that a postgraduate training programme accreditation in Intensive Care Medicine is planned for Quarter 1. The CEO advised that the Executive had met with the Forum of Postgraduate Training Bodies to plan a workshop with the training bodies on clinical training site inspections.

In the area of research, Council was advised that an action plan to address the findings from the Your Training Council survey had been agreed by the Executive and regular project teams meetings are taking place quarterly.

Council was updated in relation to regulation matters and the CEO concluded his report with an update on recent stakeholder meetings.

Dr Saqib Ahmed – Judgment of Mr Justice Meenan

Council noted the Judgment

Customer Charter

The Communications team presented a draft Customer Charter document for review by the Council. Council was advised that the Code of Practice for State Bodies 2016 states that all State Bodies should have a Customer Charter. The Customer Charter would be available on the Medical Council's website.

Council discussed clarification on the role of the Office of the Ombudsman and suggested that the Charter be amended to clarify that only the registration processes can be reviewed by the Office of the Ombudsman. Council also suggested that the Customer Charter would benefit from some additional links and information to other sections of the Council website, specifically reference to contact numbers for customers with queries regarding registration, complaints etc.

Sunday Business Post Opinion

Council noted the recent article on the work of the Medical Council.

Implementation of Recommendations of the Streamlining Group

Council noted that a project group has been appointed to progress the streamlining initiatives to assist Council to fulfil its statutory duties.

President's Business

Fitness to Practice Committee Inquiry Calendar

Council noted the Fitness to Practise inquiry hearings fixed for hearing in the coming months, up to May 2018.

Newspaper Article in relation to the death of an MMA fighter

Council noted the newspaper articles and directed that the profession should be reminded to check their indemnity cover for such events and for doctors working in a training scheme that they cannot work outside of their training scheme.

Away Day 2018 follow up

Council discussed the Action list that had been drafted following the recent Away day in which discussions had taken place in relation to the Induction programme for Council members. Council agreed that it was a comprehensive action plan.

Mr Alan Johnson and Ms Cornelia Stuart highlighted that minimising sectional interests at the Council table was imperative, and that all members must be reminded of their duty to act as a collective body corporate, noting this to be an important message to convey to all new members.

Letter regarding Fitness to Practise processes

Council noted the contents of a complainant's letter and directed that correspondence be issued acknowledging that the complaints process is very difficult and stressful for all the parties concerned, noting the constraints of the legislation under which the Council operates, and acknowledging the limitations of the inquiry facilities.

Audit, Strategy and Risk Committee

The report of the Audit, Strategy and Risk Committee was presented to Council.

Council was updated in relation the findings of the Internal Audit of Financial Controls. Council noted that there had been no significant findings, seven important findings and two minor findings identified during the review. Council was advised that two of the medium findings related to Procurement and the use of Purchase Orders; three relate to Travel and Subsistence; one related to Bank and Cash; and one related to Policies and Procedures.

The two minor findings relate to Fixed Assets and Employee Contracts. It was noted that the auditors were satisfied with management's response to these findings and the action plan set out to address these findings. Council also noted that the Committee had queried some of the gradings in the report and had considered the grading of some "important" findings to be quite harsh.

Council approved the report of the Internal Audit of Financial Controls.

The draft Annual Report for 2017 was presented to Council and Council noted that this first draft of the Annual Report had been prepared at an earlier date this year to allow the Comptroller and Auditor General sufficient time to review the draft version. Council was advised that that the draft Annual report will be redesigned so that it will be more visually engaging and accessible before the final version is sent to the Publishers. Council noted that although the draft report was being submitted to Council for pre-approval prior to the close of the Comptroller and Auditor General's audit at this Council meeting, Council will have a further opportunity to review the final draft at its next scheduled meeting in May for approval and sign off of the Financial Statements. Council approved the draft Annual Report.

Council approved the updated ICT User Policy to the Committee. Council noted that a the Committee had requested that an amendment be made to replace "all staff" with "all staff, Council and Committee members" which clarifies that the policy will apply to executive staff and Council and Committee members.

Council approved the Committee's recommendation to approve the following Terms of References:-

- Ethics & Professionalism Committee
- Equality & Diversity Working Group
- Education, Training and Professional Development Committee
- Strategy and Policy Sub-Committee
- Nominations and Development Committee
- Monitoring Committee
- Registration and Continuing Practice Committee

Council was advised that the Legal Services tender process had concluded, the administration of the process having been supported by the Office of Government Procurement. The procurement procedure was established as a multi-party framework in two Lots, the first lot being for Regulatory Legal Advice and Representation Services, and the second lot for Corporate Legal Services.

In compliance with the Medical Council's Procurement Policy, the Evaluation Panel had recommended the award of suppliers in line with the Framework Agreement. Council noted the Committees recommendation that the three solicitors firms be awarded entry to the Framework agreement, for each lot. The panel of service providers in lot 1, being Regulatory Legal Advice and Representation Services. The panel of service providers in lot 2, being Corporate Legal Services.

Council noted that the distribution of the workload would be managed by the Executive on a case by case basis, and directed that the framework agreement be used as extensively as possible, with all firms on the panel benefitting from reasonable distribution of work to ensure all firms on the panel develop the capacity and expertise to service the demands of the Medical Council legal requirements.

Council noted that the draft Financial Statements prepared on the Finance team's interpretation of the new requirements under the Code of Practice for the Governance of State Bodies 2016. Council was advised that as the audit fieldwork had been completed by Comptroller and Auditor General, it is anticipated that there will be no requirement to amend the financial results.

Council also noted that new reporting requirements under the Code of Practice for the Governance of State Bodies means that all allowances and expenses paid to Council and Committee members will be listed publicly. This publication requirement previously applied only to Council members, however it will now extend to Committee members also. Communication will issue to all Committee members as a courtesy, to inform them of the impending change of practice in publication in this regard.

Council also noted that an internal audit of the recruitment process had been carried out and there had been no significant findings, one important finding and one minor finding. The important finding related to the maintenance of recruitment documentation within the Medical Council. The minor finding relates to recruitment policies & procedures. Council was advised that the Executive had prepared and agreed an action plan to implement the audit recommendations.

Council was updated in relation to the Quarter 4 Investment Report. It was noted that the majority of growth occurred in the last quarter of 2017. It was noted that the current macroeconomic factors are contributing to the Council's portfolio performance. Council was advised that a review the portfolio will be carried out at the end of each cycle and any necessary action to reposition the Councils portfolio as required will be taken.

Council noted the Quarter four Management Accounts, and the Business Plan 2017 update.

Council noted that progress is being made to progress the Corporate Services ICT Strategy 2015-2018 and that it is anticipated that further progress in the implementation of the strategy will be made during 2018.

Mr O'Higgins commended the Finance Team for the quality of their work, acknowledging the level of detail contained in the preparation of the financial reporting, noting the calibre and spectrum of their reporting as highly commendable.

Council approved the report of the Audit, Strategy and Risk Committee

Property Strategy Review Group

The Property Strategy Review Group meeting was presented to Council.

Council noted that the Group are looking a number of options to address the spatial needs of the organisation to keep disruption to a minimum.

Council approved the report of the Property Strategy Review Group.

Risk Register

The Chief Risk Officer provided an update to Council on the Risk Register, compiled in February 2018.

The Risk Registers have also been reformatted, for the purpose of uniformity between sections, and to present the register in a more streamlined and accessible format.

Registration and Continuing Practice Committee (RCPC)

The report of the Registration and Continuing Practice Committee was presented to Council.

Council confirmed the decision of the Committee to refuse registration and the review window has expired

Council noted that under the Safe Start programme an information document similar in concept to that in use in Northern Ireland, is being developed to provide information required for working in the Irish healthcare system to new starters. It is expected that the document will go live by end of May. Council was informed that analysis of the workforce intelligence data is being undertaken to identify where new doctors are coming from.

Council was informed that the Committee had considered a briefing paper on the potential slow-down of applications requiring completion of the PRES, Council noted that a group has been set up with the Education and Training section to examine this issue.

In relation to Garda Vetting Council noting that the Executive are continuing to facilitate Garda Vetting requests for self-employed medical practitioners who can demonstrate that there is no relevant organisation to seek the vetting disclosure.

Council noted the updates on both Registration Case Management and Professional Competence Scheme Case Management. Council was advised that the actions being taken to address enrolment on a Professional Competence Scheme has been effective with 96% now being enrolled.

The Chair advised that the Committee had agreed that implementation of the efficiencies proposed by the Executive to the Performance Assessment Model Refinement Working Group (PAMRG) should proceed. It had also been agreed that the purpose of assessment is one of getting the doctor back on track and the process viewed in the first instance as non-punitive and developmental for the doctor.

Council approved the report of the Registration and continuing Practice Committee.

Education, Training & Professional Development Committee (ETPDC)

The report of the Education, Training and Professional Development Committee meeting was presented to Council.

Council noted that the Committee has considered a number of draft accreditation and inspection reports which will be recommended to Council for approval at the next meeting in May

Council was advised that, following a recent review of how medical schools receive feedback from final year students on clinical learning environments, the Chair of the Strategy and Policy Sub-Committee had highlighted the Council should promote the use of tools to measure the undergraduate clinical learning environment. Council noted that the Chair of SPSC and CEO have requested the Vice President to write to the Irish Medical Schools Council promoting the use of clinical learning environment measurement tools within medical schools. Council agreed that the Vice President write to the Medical Schools in relation to this issue.

Council noted that the South/Southwest Hospital Group had provided the Executive with a list of trainers at the clinical training sites inspected last November. A check of the Register of Medical Practitioners has revealed that a small percentage of trainers are registered in the General Division (averaging 4%, but as high as 15% in one hospital), whereas the Council advises that trainers should be registered in the Specialist Division. Further work is being undertaken to establish what criteria the Hospital Group applied in identifying the trainers and lists will also be sought from the postgraduate training bodies, to verify the information. If, on completion of these enquiries, it is confirmed that some trainers are not on the Specialist Division of the Register, the matter will be raised with the Forum of Postgraduate Training Bodies and the HSE NDTP.

Council noted that the Executive had prepared an analysis of annual returns provided by all medical schools. Council was advised that whilst there are no major issues of concern the Committee is concerned at the difficulties experienced by the Executive in obtaining completed annual returns from medical schools. It was noted that the Executive had requested that all medical schools identify a key liaison contact.

On the proposal of Mr Hurley, seconded by Ms Duff, Council approved the report of the Education, Training and Professional Development Committee.

Health Committee (HC)

The report of the Health Committee meeting was presented to Council.

Council noted the number of practitioners supported by the Health Committee.

Council noted the number of review sessions conducted by the various teams, medical reports and the Committee's recommendation that ongoing support be continued.

Council was advised that following review of health reports two practitioners are scheduled for review session in March, 2018.

Council was advised that there was four new referrals to the Committee for support and noted that review sessions have been arranged for each of the practitioners in the coming month.

Council approved the report of the Health Committee.

Monitoring Committee (MC)

The report of the Monitoring Committee meeting was presented to Council.

Council noted the breakdown of the medical practitioners who have conditions attached to the retention of their name in the Register.

Council noted that the Executive had been advised by once practitioner that their nominated person is no longer in a positon to act as mentor. Council was advised that the practitioner had been requested to provide the name of an alternative mentor and that a practice visit will be undertaking in due course.

Council was advised that the Committee had received correspondence advising of their completion of the goals set out in their Professional Development Plan addressing the deficiencies in their practice. Council also noted that the practitioner had now complied with a number of conditions attached to their registration.

Council noted that the Committee had received a self-declaration from one practitioner confirming that they are not engaging in the practice of medicine in this jurisdiction.

The Committee wishes the Council to note that correspondence and documentary evidence of compliance was received, where appropriate, from each of those other practitioners currently practising within the jurisdiction with conditions attached to the retention of their name in the Register and that such further evidence would be taken up as when required in order to confirm compliance.

Council approved the report of the Monitoring Committee.

Media Log

The Media Log was noted by Council in particular the articles in relation to rough sleepers being section for refusing to go into hostels during storm Emma.

Date and Time of next meeting

Council noted the next meeting will be held on Thursday, 17th May, 2018 at 12:30 hrs and Friday, 18th May 2018