Summary minutes of the Medical Council meeting held virtually on 8th & 9th March 2022 through the Zoom Meeting App.

MEMBERS PRESENT –8th March 2022

Dr Suzanne Crowe (President)
Dr Anthony Breslin
Ms Teresa Bulfin
Ms Marie Culliton
Mr Ian Drennan
Prof Paul Finucane
Mr John Gleeson
Mr Paul Harkin
Dr Orla Kelly
Prof Marina Lynch
Prof Joe McMenamin
Prof Mary O'Sullivan
Prof Edna Roche

APOLOGIES
Dr Thomas Crotty (Vice President)
Ms Vicky Blomfield
Dr Mary Davoran
Prof John Hyland
Ms Jill Long
Mr Bill Maher
Dr Michael McGloin
Dr Aoife Mullally
Mr John Murray
Dr Margaret O'Riordan
Mr Jim O'Sullivan
Mr Ronan Quirke

In attendance
Mr Leo Kearns (CEO)
Mr Philip Brady (Director Strategic Projects & Registration)
Ms Lorna Purcell (Head of Corporate Governance & Secretary to Council)
Mr William Kennedy (Director of Fitness to Practice and Legislative Affairs)
Ms Jantze Cotter (Director of Professional Competence & Research)
Ms Úna O'Rourke (Director of Education & Training)
Ms Katie Mulroy (Director of Complaints and Investigations; Solicitor)
Ms Johanna Morris (General Counsel)
Ms Ann Curran (Head of Registration)
Ms Roseanne Fox (Head of Finance)
Mr Alan Gallagher (Head of Communications)
Mr Colin Cooper (Head of ICT)
Ms Jan Fitzpatrick (Corporate Governance & Council Manager)
Ms Kate Zalewska (Corporate & Council Officer)
Ms Mellisa Tierney (Corporate & Council Executive)
Ms Fiona Redmond (Information Governance Manager)
Ms Aoife Fitzsimons (Head of Quality Improvement, E&T)
Ms Marion Mitchell (Head of Human Resources)
Ms Bernadette Rock (Head of Research, Professional Competence & Research)
Ms Lucie Heseltine (Professional Competence, Research & Ethics Executive)
Ms Beth Bolger (Complaints & Investigations Manager)
Ms Fiona Healy (Head of Quality Improvement & Education and Training Section)

MEMBERS PRESENT – 9th March 2022

Dr Suzanne Crowe (President)
Dr Thomas Crotty (Vice President)
Dr Anthony Breslin
Ms Teresa Bulfin
Ms Marie Culliton
Mr Ian Drennan
Mr John Gleeson
Mr Paul Harkin
Dr Orla Kelly
Prof Marina Lynch
Mr Bill Maher
Dr Michael McGloin
Prof Joe McMenamin
Dr Aoife Mullally
Prof Mary O'Sullivan
Mr Ronan Quirke
Prof Edna Roche

APOLOGIES

Ms Vicky Blomfield
Dr Mary Davoran
Prof Paul Finucane
Prof John Hyland
Ms Jill Long
Mr John Murray
Dr Margaret O'Riordan
Mr Jim O'Sullivan

In attendance

Mr Leo Kearns (CEO)
Ms Lorna Purcell (Head of Corporate Governance & Secretary to Council)
Mr William Kennedy (Director of Fitness to Practise and Legislative Affairs)
Ms Jantze Cotter (Director of Professional Competence & Research)
Mr John Sidebottom (Head of Inquiries, Health and Monitoring)
Ms Katie Mulroy (Director of Complaints and Investigations; Solicitor)
Ms Ruth Rock (Solicitor & General Council)
Mr Kevin Walsh (Solicitor & Legal Advisor)
Ms Treasa Walsh (Solicitor& Legal Advisor)
Ms Liz Kielty (Regulatory Solicitor)
Mr Colm Redden (Solicitor& Legal Advisor)
Ms Beth Bolger (Complaints & Investigations Manager)
Ms Jan Fitzpatrick (Corporate Governance & Council Manager)
Ms Kate Zalewska (Corporate & Council Officer)
Ms Mellisa Tierney (Corporate & Council Executive)

Note – all references to 'the Act' shall be construed as references to the Medical Practitioners Act 2007 unless otherwise stated.

CEO'S Business

CEO's Report

The CEO provided a high-level overview to Council of the CEO's report.

Council was informed that there were a number of high-level items to note. The format of the report has changed to make the report more meaningful to Council. Council was informed that there is one Business Plan, which reports on Business As Usual (BAU) activities and activities within the Change Programme. The CEO highlighted to the Council that the changes that are currently underway are a change for the executive as well as the Council. He noted that the support that the executive and staff have provided has been great and he wished to thank all staff for all of their work to date and to highlight that the work is incremental and that it will take time to reach the goals of the plan. The CEO thanked Council members for their help and assistance to date.

Council was informed of a number of issues which have arisen in the BAU plan. One example given was the impact of the implementation of the PRISM system, where there was a larger impact on the day to day work than was expected. Dedicated resources were also required in order to respond to a number of media queries. The CEO acknowledged the number of Council meetings and ECMs which had taken place in January and February and the impact that has had on Council members and the executive.

Council was informed that large strategic issues regarding the workforce within this country is being raised with the HSE and the Department of Health. It was agreed that there should be a coordinated workforce strategy across all of the key stakeholders in the Health Care system.

Council was informed that a key priority is organisational design and resources within the Medical Council. A review of process, technology, the data used and structures in place across the organisation will be undertaken in due course. In the Organisation Design project, the Office of Government Procurement will be utilised to identify a partner to help identify any issues and provide solutions. Council was informed that a number of recruitment drives are currently ongoing.

Council was informed that a unit may be set up to look at legislative reform, to focus on the Medical Practitioners Act 2020 and to look at the General Division of the Register. Council was informed that the majority of Section 60 matters arise from doctors on the General Division.

Council was informed that a resource plan is being developed. A meeting between the CEO and President with representatives from the Department of Health has been set up to review the resources at a strategic level.

Council was informed that the PRISM system went live on the 4th February 2022. A number of features of PRISM were highlighted to Council. Council was informed that additional modules may be available in the future to assist in streamlining the executive function.

Mr Brady thanked Mr Cooper, the ICT team, and Ms Fox and the Finance team for all of their hard work on the project. The President on behalf of the Council thanked Mr Cooper, who is leaving the Medical Council, for all of his hard work to date and wished him well in his future endeavours.

Media Log

Mr Gallagher presented the Media Insight Report to Council. Council was informed that since the last Council meeting the Medical Council has featured in coverage in print and online media, encompassing several topics.

Council was informed that one of the key stories to garner coverage was the RTÉ Investigates piece which aired in November 2021. There were numerous print and broadcast items in relation to this, referencing a Medical Council investigation.

Council was informed that the Your Training Counts Report, which was published in December 2021, also featured in a number of articles, including in medical media and in regional newspapers. The articles here focused on the medical workforce, doctors leaving and the lack of consultants.

Council was further informed that the Medical Council featured relating to the South Kerry CAMHS service. Again, significant print and broadcast coverage in relation to this situation and reference to the Medical Council investigation. In addition, several articles also appeared over this timeframe in relation to Fitness to Practise inquiries which were conducted recently. Council was informed that Eolas Magazine featured an article written by the CEO on the need to develop a medical workforce strategy. Council noted the contents of the report.

Media Insights Report 2021

Mr Gallagher made a presentation to the Council regarding the Media Insight Report. Council noted the contents of the presentation and commended Mr Gallagher and the Comms Team on their ongoing work.

Workforce Intelligence Report

This report was presented to Council.

Council was informed that this report analysed and presented data provided by all doctors who have registered or retained registration with the Medical Council and those who have exited the register throughout 2021. The quantitative and qualitative data encompassed registration and divisional status, working arrangements, including work role, hours worked, training status and county of practice and is crucial to informing recruitment and retention strategies, medical education and training development and health policy in Ireland. Council was informed of the data relating to the figures of doctors who had voluntary withdrawn from the register in 2021. Council was informed that there are currently 7,500 Non-Consultant Hospital Doctors (NCHDs) in the country.

Council was advised that there appears to be a reliance on International medical graduates, with two out of three new registrants medically trained abroad. Council was then informed that several silent risks to patient safety had been identified, based on the analyses of registration data. These risks are a result of the absence of strategic workforce planning, leading to inadequate supervision and training opportunities, gaps in supply and demand of consultants/specialists, increasing attrition and excessive work hours.

Council was informed of the trends and risks captured in the report. Council was advised that it would be important to prioritise actions and to implement strategies to which would help to enact those priorities. The President informed Council that all feedback would be considered, and an implementation plan would be presented at a future meeting. Council noted the contents of the report.

President's Business

President's Report

The President gave a high-level overview of her public activities with a variety of stakeholders, including the legal Stakeholders, the Department of Health, the Medical Leaders Forum and the RCSI, different universities, and HSE representatives. Council noted the contents of the report.

Governance Matter

Fitness to Practise (FtP) Committee Membership

This matter was presented to Council by Ms Purcell. Council was requested to approve the membership of Dr Anthony Breslin to the Fitness to Practise Committee (FtPC). The FtP Committee is a statutory committee established under Section 20 (2) (b) of the Medical Practitioners Act 2007. Council was informed that due to his position as Vice President and his clinical commitments, Dr Breslin was not in a position to join the FtP Committee before now.

Council approved the request for Dr Breslin to join the Fitness to Practise Committee.

Council was also asked to approve Ms Marie Culliton to join the FtPC. Council approved the request for Ms Culliton to join the Fitness to Practise Committee.

Committee Reports:

Registration & Continuing Practice Committee

The reports of the Registration & Continuing Practice Committee (RCPC) meetings which were held on 6th January and 17th February 2022 were presented to Council. It was noted that there were no items for decision. Council was informed that there has been a slight delay in drafting the statutory instrument in relation to the CPD Accreditation Model, it will be presented to the RCPC at their next meeting on the 30th of March 2022.

Council was reminded that it had approved 17 performance assessors at their last meeting (medical and non-medical).

Council was informed that the Faculty of Paediatrics had recommend that two further qualifications be added to the list of qualifications for automatic registration and the RCPC were in agreement with this recommendation.

Council was then informed that a Working Group (WG) had been established with Prof Paul Finucane as Chair to consider the issue of recency of practise. Two other members of the RCPC are also members of the WG. Council was informed that the work from this group will be very valuable in defining what qualifies as recency of practise and Council will hopefully see outputs from the WG in October 2022.

Council was informed that the RCPC had dealt with a number of cases relating to Professional Competence.

Council then approved the reports of the Registration & Continuing Practise Committee.

Education and Training Committee (ETC)

The reports of the Education & Training Committee meetings held on 13th January 2022 and 1st February 2022 were presented to Council. Council was advised that there were no matters for decision for the 13th January 2022 meeting.

Council was advised that there was one matter for decision from the 1st February 2022 meeting. Council was informed that Cardiff University ("CU") was commissioned to review and edit the draft standards. CU identified considerable overlap between the standards and criteria under each theme. Due to the review, revisions to the titles of the themes were proposed to ensure the standards and criteria are better aligned:

- Theme 1: Clinical Learning Environment
- Theme 2: Mission and Governance
- Theme 3: Educators (no change)
- Theme 4: Learners (no change)
- Theme 5: Curricula and Assessment

Council was asked to approve the revised titles of the 5 key themes forming the framework of the draft standards for medical education and training. Council approved the title changes. Council then noted the contents of the reports.

Council approved the reports of the Education & Training Committee.

Governance of Intern Education and Training

A report of the Review of the Governance of the Irish Intern Year by Professor Derek Gallen was presented to Council. Council was informed of the findings of the report. The report identified seven key findings regarding themes. The report made 15 recommendations.

Council was requested to approve the following actions:

1. Conduct a series of bilateral consultations, including with those identified who have not been part of the conversation thus far.

2. Agree which Council members should be involved in such consultation.

3. Following initial consultations, supported by the Department of Health, set up a resourced formal working group/consultative forum with senior leadership from the representative groups.

Council approved the above actions.

It was noted that the actions arising from the Gallen report will pose a significant burden on both Council and the Executive. It was agreed that Expressions of Interest would be sought from Council Members to assist in the implementation of the plan.

Ethics Committee (EC)

The Report of the Ethics Committee was presented to Council. Council was advised that there were no matters for decision. Council was updated on the progress of the 2nd phase of the review of the Guide to Professional Conduct and Ethics for Registered Medical Practitioners ("the Guide").

Council was informed that restructure of the Guide may impact on the timeframe of delivery which is presently set at Q4 2022. A contingency of 3 months was built into the project, which would provide for a completion date in March 2023. Council noted the contents of the report.

Audit, Finance & Risk Committee (AFRC)

The report of the Report of the Audit, Finance & Risk Committee (AFRC) meeting held on the 22nd February 2022 was presented to Council. Council was advised that the revised Terms of Reference of the AFRC would be considered as a separate agenda item.

Council was then advised of the Internal Audit Report and the assurance provided by same, as part of the review of the effectiveness of internal control. Council was informed of the auditors' positive feedback regarding management's responses to the audit findings.

Council was then advised of a number of items for noting including the Risk management, Q4 2021 Management Accounts, 2021 Draft Financial Statements, Internal Audit Reports, Investment Performance YTD 2021 – Davy Update.

Council approved the report of the Audit, Finance and Risk Committee.

Terms of Reference of the Audit, Finance & Risk Committee

Council was advised that there was one item for decision arising from the report of the AFRC: whether Council wishes to approve proposed amendments to the AFRC's Draft Terms of Reference, which would result, inter alia, in the AFRC being renamed as the Audit & Risk Committee.

Council was informed that the AFRC considered three documents, the ARFC's current Terms of Reference, a Memorandum and a proposed revised Terms of Reference document. Having discussed and considered the documents referenced above, the AFRC recommend the proposed revised Terms of Reference to Council for approval.

Council approved the new Terms of Reference for the Audit & Risk Committee.

Risk Register

The Risk register was presented to Council by Ms Redmond. Ms Redmond advised Council that the Medical Council currently has twenty-six live red risks which account for 29% of the total risks on the Medical Council Risk Register. Council was informed of the distribution of red risks by section and by category. The top 11 red risks were then discussed. Council was then given a high-level overview by a number of Directors and the risks associated with their section.

Council approved the report of the Risk Register. The CEO commended Ms Redmond on her ongoing work with the Risk Register and invited Council to provide feedback if desired.

Reasons for Council Decisions and the Role of the Legal Advisor

Mr Ronan Kennedy SC gave a presentation to Council on "Sanctions, Decision Making & Reasons". Mr Kennedy's presentation focused on several factors which were important for Council to consider when making decisions. The presentation included the following topics:

- Statutory Framework
- Purpose of Sanctions
- Principles of Sanctioning
- Individual Sanctions
- Sanction Hearing & Fair Procedures
- Reasons for Imposition of Sanctions
- Confirmation & Appeal Hearing before the High Court

The President thanked Mr Kennedy on behalf of the Council, noting that the presentation was rich and thoughtful and had provided Council with a valuable insight in moving forward in the future.

Matters considered by Council under Parts 6, 7, 8 and 9 of 2007 Act

A number of matters were considered by Council under Parts 6, 7, 8 and 9 of 2007 Act

Any other Business

No other matters were raised.

Date and Time of next meeting

The next scheduled Council meeting is on 6th April 2022 at 9.00am. There being no further business, the meeting concluded at 18.15.