Summary minutes of the meeting of the Medical Council held in person on the 14th June in the Chartered Accountants House, Dublin 2 & virtually on the 15th June 2022 through the Zoom Meeting App.

MEMBERS PRESENT –14th June 2022

Dr Suzanne Crowe (President)
Dr Thomas Crotty (Vice President)
Ms Teresa Bulfin
Ms Marie Culliton
Mr Ian Drennan
Prof Paul Finucane
Mr John Gleeson
Mr Paul Harkin
Prof John Hyland
Dr Orla Kelly
Ms Jill Long
Mr Bill Maher
Prof Joe McMenamin
Mr John Murray
Dr Margaret O'Riordan
Mr Jim O'Sullivan
Mr Ronan Quirke
Prof Edna Roche

APOLOGIES

Dr Anthony Breslin
Ms Vicky Blomfield
Dr Mary Davoren
Prof Marina Lynch
Dr Michael McGloin
Dr Aoife Mullally
Prof Mary O'Sullivan

In attendance - In Person

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 Regulation, Solicitor)
Ms Jantze Cotter (Director of Professional Competence & Research)
Ms Ann Curran (Head of Registration)
Ms Katie Mulroy (Head of Investigations & Complaints; Solicitor)
Mr Kevin Walsh (Solicitor & Legal Advisor)
Ms Treasa Walsh (Solicitor& Legal Advisor)
Ms Caren Shanley (Solicitor& Legal Advisor)
Ms Johanna Morris (General Counsel)
Ms Roseanne Fox (Head of Finance)
Ms Kate Zalewska (Corporate & Council Officer)
Ms Mellisa Tierney (Corporate & Council Executive)
Ms Aoife Fitzsimons (Head of Quality Improvement, E&T)
Ms Bernadette Rock (Head of Research, Professional Competence & Research)
Ms Beth Bolger (Complaints & Investigation Manager)

In attendance – Virtually

Mr Alan Gallagher (Head of Communications)
Ms Marion Mitchell (Head of Human Resources)
Ms Fiona Redmond (Information Governance Manager)
Ms Úna O'Rourke (Director of Education & Training)

MEMBERS PRESENT –15th June 2022

Dr Suzanne Crowe (President)
Dr Thomas Crotty (Vice President)

Ms Teresa Bulfin
Ms Marie Culliton
Mr Ian Drennan
Prof Paul Finucane
Mr John Gleeson
Mr Paul Harkin
Prof John Hyland
Dr Orla Kelly
Ms Jill Long
Mr Bill Maher
Dr Michael McGloin
Prof Joe McMenamin
Dr Margaret O'Riordan
Prof Mary O'Sullivan
Mr Ronan Quirke
Prof Edna Roche

APOLOGIES

Dr Anthony Breslin
Ms Vicky Blomfield
Dr Mary Davoran
Prof Marina Lynch
Dr Aoife Mullally
Mr John Murray
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 Regulation, Solicitor)
Mr John Sidebottom (Head of Inquiries, Health and Monitoring)
Ms Katie Mulroy (Head of Investigations & Complaints; Solicitor)
Mr Kevin Walsh (Solicitor & Legal Advisor)
Ms Treasa Walsh (Solicitor& Legal Advisor)
Ms Fiona Redmond (Information Governance 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.

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 Nursing and Midwifery Board of Ireland, RCSI, different universities, HSE representatives and meeting with the Ambassador of Ukraine to Ireland. Council noted the contents of the report.

CEO's Business

CEO's Report

The CEO provided a high-level overview to Council of the CEO's report. Council was informed that during June/July a mid-year review of the Business Plan and the underpinning budget will be carried out. Council was advised that it is likely that this review will lead to re-prioritisation and modifications to the existing plan. Issues around staffing such as vacant posts, staffing deficits, and a sustained very high workload were highlighted. The CEO explained that a detailed Workforce Plan was submitted to the Dept of Health in March, and following extensive interaction, was fully endorsed and approved by the Dept on 26th May and has been submitted to DPER for approval. Information was also provided on the Organisational Design project, which is a key part of the Change Programme.

A tender to procure external expertise in organisation design has been published on OGP, and it is hoped to have a selected partner in place by the end of July. Phase 1 of this work will focus on a) the entire regulatory process from receipt of complaint through to conclusion of undertakings and/or conditions b) all support functions and c) span of control at senior leadership level.

Council was informed that Ms Joanna Holly has been appointed as Director of Corporate Services & Planning. She will be taking up the role on 1st August 2022, and will have responsibility for Business Planning and Reporting; Change Programme Planning and Reporting, Complainant and Doctor Liaison Function, ICT, and Procurement. Council was informed that two executive functions to be developed as part of the OD process are Enforcement & Monitoring and Complainant & Doctor Liaison – both working titles. The Executive is developing a hybrid working policy and this will shortly be going out to staff for consultation. It is likely that there will be a basic requirement for all staff to attend the office for a minimum of one day per week. Hybrid working will be the dominant feature of work in the future, and while there are clearly significant benefits to remote working, there is also a need to balance this with time working in the office, primarily to address issues of culture, morale, teamwork and personal development.

Council was informed of a number of emerging issues such as an increased number of *prima facie* decisions by PPC is leading to an increase in the backlog of Inquiries at FTP. A steering group has been established to manage this backlog, and an engagement with the external legal firms to establish their potential to increase capacity is underway. Council noted the contents of the report.

Tender Award- Investment Consultancy Services

This matter was presented to Council by Mr Brady.

Council was informed that the Medical Council contract for the provision of Asset Management and Investment Consultancy Services expired in November 2021 with a decision made to retender using the Office of Government Procurement (OGP) framework. Council was informed that the contract was extended to June 2021 to allow sufficient time for completion of this tender process. Council's external Procurement Consultants (Greenville) managed this tender process supported by Mr Brady, Ms Fox and Ms Rock from the Council's Executive Team, Ms O'Connor from the Audit and Risk Committee and Mr Pierce, an independent expert. Council was asked to approve the award of Investment and Consultancy Services to Davy, who was the Most Economically, Advantageous Tender (MEAT) under the award criteria and scored the highest mark of the submissions received. Council was requested to approve this contract in accordance with provisions of the Procurement Policy whereby amounts in excess of €100,000 operational spend require Council approval. Council approved the request to award the Investment and Consultancy Services to Davy.

Registration Fees for Ukrainian Doctors

This matter was presented to Council by Mr Gallagher. Council was requested to wave the application fee for registration and reducing the registration fee to €5 for Ukrainian doctors who are in Ireland. Council was informed that it would be in place for a doctor's first year of registration. Council was informed that the current first-time application fee for a doctor is €410, and the registration fee is €560 or €280 if registered in the second half of the registration year. This reduced fee will only apply to Ukrainian doctors who can demonstrate they are resident in Ireland, and their standing in Ireland is underpinned by the EU Temporary Protective Directive, when making their application. Council approved the request to wave the application fee for registration and reducing the registration fee to €5 for Ukrainian doctors who are resident in Ireland.

Approval of taskforce to approve upcoming documentation

This matter was presented to Council by Ms Mulroy. Council was advised that significant planning had taken place within the Complaints and Investigation team in preparation for the implementation of the Regulated Professions (Health and Social Care) Amendment Act 2020 which significantly changes the PPC stage of the complaints.

Council was informed that the executive was mindful of both PPC and Council workload in adding additional policy reading and discussion to current workloads and therefore requested permission to create a Council 'taskforce' consisting of a maximum of 6 members from PPC and Council, who will review documentation periodically as required and provide recommendations to Council on the new policies/procedures to be approved. Consideration and approval of the documentation to date will take place at an ECM of Council in the Autumn. Council was then informed that expressions of interest had already been sought from PPC members to be part of this taskforce, in anticipation of Council approval. Ms Mulroy then invited expressions of interest from non-PPC members of Council to be emailed to her.

Council approved the creation of a taskforce to review relevant PPC policies, procedures and documentation and the approval of the Terms of Reference of the taskforce.

Approval of a PPC Triage Guidance

This matter was presented to Council by Mr Walsh. Council was informed that the Triage Guidance before them had been drafted by DAC Beachcroft, with input from Ms Eileen Barrington SC, and has been reviewed internally by members of the Executive's legal team. It is designed to provide assistance to the Preliminary Proceedings Committee ("the PPC") in relation to dealing with complaints under section 59(9)(b) of the Act. It was presented to the PPC at its meeting on 25th May 2022. The PPC had an opportunity to provide feedback on the document and approved the Guidance as presented.

Council was advised that the purpose of this document was to provide guidance in relation to the initial assessment of complaints by the PPC, to ensure consistency, proportionality, and transparency in the decision-making process. Council was advised that the guidance had also been prepared to assist the PPC to identify and investigate cases that give rise to fitness to practise concerns and to categorise them appropriately. This in turn ensures that the Medical Council is using its resources effectively and is acting in the public interest.

Council was informed that if the document was approved and training had been provided to Committee members, it was envisaged that the PPC would be able to rely on the Guidance at future PPC meetings from 29th and 30th June 2022. Council approved the Triage Guidance document.

Committee Matters

Audit & Risk Committee

2021 Financial Statements

The report of the Audit & Risk Committee and Financial Statements for the year ended 31st December 2021 was presented to Council. Council was given a high-level overview of this report. Council approved the Report and Financial Statements for the year ended 31st December 2021.

Risk Management

Risk Register Report - Updates from Risk Owners

This matter was presented to Council by Ms Redmond, Chief Risk Officer who informed them of new risks, upgraded risks and the thirty-six live red risks   Council was informed that a shift had occurred in how risk is now being reported at the Audit and Risk Committee and at Council level and that the Residual Red Risks are the only risks being provided in detail. Council was advised that this shift in focus did not diminish the impact or importance of the Medical Council's Amber and Green risks but provided a focus on the areas that are currently of concern and could create serious issues for the Medical Council legally, reputationally and/or financially. Council was informed that Decision Time was also now being used by the Executive to allow each department to report risks individually. Council approved the Risk Register Report.

Information Governance

Document Retention Guidance

This matter was presented to Council by Ms Purcell. Council was informed that the Document Retention Guidance & Policy (the "Policy") establishes a culture of security and retention of documentation for all Council members. This Policy ensures that the organisation meets its obligations under the General Data Protection Regulation ("GDPR") and Data Protection Acts 1988 – 2018 with regard to our duty of care to the public, the profession, and to the Medical Council staff. Ms Purcell also outlined that over the Summer, Council members without Council laptops would be provided with them, and that all Council members would be provided with a Medical Council email address. Council approved the Guidance.

Committee Matters for Decision

Education & Training Committee (ETC) - Education & Training Publication Policy

This matter was presented to Council by Ms Morris. Council was advised that the Executive had been examining the underlying education and training processes to ensure that fair procedures are fully applied throughout and advising the Education and Training Committee accordingly. This included giving consideration to the publication of each report following accreditation or inspection of medical education and training institutions.

Council was advised that, as part of the Education and Training Transformation Programme initiative, the Executive developed a publication policy to support ETC decisions which the Education and Training Committee considered in detail and now recommends adopting. Council was reminded of its commitment to being open and transparent about our processes and how it makes its decisions. In the course of carrying out its statutory functions, the Council creates, publishes and discloses information regarding education and training to the public to:

a) meet our statutory objectives,
b) to carry out our tasks in line with our role and in the public interest, where the disclosure goes beyond something we are explicitly required to do, and
c) to meet other relevant legal requirements.

Council was informed that the aim is to publish education and training reports in a way which is fair and proportionate. The purpose of the Publication Policy (the "Policy") is to define the policy of the Medical Council in relation to the publication of the various Education and Training reports such as:

- Undergraduate Accreditation Reports;
- Clinical Training Sites Inspection Reports; and
- Postgraduate Accreditation Reports.

Council was informed that presently it publishes the entire accreditation reports for undergraduate and postgraduate institutions and programmes and the full clinical training site inspection reports in the public interest, to meet our statutory objective, unless there is good reason not to publish some of the report. Council was advised of the statutory and non-statutory requirements to publish and informed of the resource and communication implications if approved. Council decided to approve the proposed Education and Training Publication Policy.

Strategy & Governance Committee (SGC) - Dissolution of the SGC & establishment of a Chairs' Forum

This matter was presented to Council by Ms Purcell. Council was informed that in 2018, the Medical Council established the Strategy & Governance Committee (SGC), to assist Council in the development of the Statement of Strategy and other governance matters. As part of the Change Programme, a review of the governance structures within the Medical Council was undertaken, and it became apparent through this process where Council's responsibilities lie, and where there was crossover with the functions of the SGC. For example, the development and implementation of the Statement of Strategy is a function of Council and should not be delegated. Council was informed that a meeting took place with the CEO, the Chair of SGC, General Counsel and the Corporate Governance Team, where the structure and the functions of the SGC was discussed – it was agreed that it would be put to the Committee that the SGC would be dissolved for the reasons outlined above, and as part of a streamlining process for the workload of Council.

Council was informed that it was also agreed that a Chairs' Forum would be established, inviting all of the Chairs and Vice Chairs of the Committees to join, as well as the President and Vice-President. The function of the Forum would be a consultative arena for the CEO to share updates on the Change Programme, and allow for collegial discussion on any pertinent topics e.g. Learning & Development requirements of the Committees.

Ms Purcell wished to thank Ms Fitzpatrick for all of the hard work she had done in relation to this matter. Council approved the dissolution of the SGC and the formation of a Chairs Forum.

Discussion on Delegation, Committees and Governance

Corporate Governance Training: *"Effective leadership in setting the right strategic, control and cultural environment"*

Mr Aidan Horan of the Institute of Public Administration (IPA) gave a presentation to Council on *"Effective leadership in setting the right strategic, control and cultural environment"*

Mr Horan's presentation focused on several factors which were important for Council to consider when making decisions. The presentation included the following topics:

- Understanding of Governance.
- Governance Obligations.
- Performance vs Conformance.
- Working Definition of Governance.
- Governance – Risk – Assurance.
- Internal Control systems.
- Accountability.
- Roles and Responsibilities.
- Features of an effective board/ committee/ governance group.

The President thanked Mr Horan 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.

Governance Change Program & Delegations

Change Plan Projects Update: Stream 1: Medical Council Governance Responsibilities & Delegations

Ms Morris gave a presentation to Council on behalf of Ms Fitzpatrick as she was unable to attend the meeting. Ms Morris outlined Ms Fitzpatrick's work on the Medical Council Change Programme - Committees & Delegations Projects- Stream 1: MC Governance – Responsibilities & Delegations.
The presentation included the following topics: the timeline of the project, the background to the project, the purpose of the project, the three areas of focus, the functions of the Medical Council, the roles of the Board, the Next steps. Council discussed the merits of the project and the President on behalf of the Council thanked Ms Morris for the presentation and Ms Fitzpatrick for her work to date on the project.

Reports from Committees

Registration & Continuing Practise Committee meetings

The Report of the Registration & Continuing Practise Committee meetings held in March, April and May 2022. Council was advised that there were no matters for decision. Council noted the contents of the report.

Audit & Risk Committee

The Report of the Audit & Risk Committee meeting on 31st May 2022. Council was advised that there were no matters for decision. Council noted the contents of the report.

Education & Training Committee

This report was taken as read and the Council was advised that there were no matters for decision. Council noted the contents of the report.

Health Committee

The report of the Health Committee meeting held on 11th May 2022 was presented to Council.

Council approved the report of Health Committee.

Monitoring Committee

The report of the Monitoring Committee meeting held on 5th May 2022 was presented to Council.

Council approved the report of Monitoring Committee.

Section 105 Matters

Amendment to s 105 – S.I. 260 of 2022

This matter was presented to Council by Mr Kennedy. Mr Kennedy informed Council that the Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) (No. 2) Order 2022 came into effect on the 1st June 2022. Council was informed that this act will allow all Section 105 matters from the 1st June 2022 to be dealt with at an executive level. Council noted this development and welcomed it.

Any other Business

No other matters were raised.

Date and Time of next meeting

The next scheduled Council meeting is on 13th July 2022 at 9.00am. There being no further business, the meeting concluded at 4.03pm.