Summary minutes of the meeting of the Medical Council, held virtually on 5th & 6th May 2021 through Zoom Meeting App.

MEMBERS PRESENT – 5th May 2021

Dr Rita Doyle (President)
Dr Thomas Crotty (Vice President)
Dr John Barragry
Ms Vicky Blomfield
Ms Teresa Bulfin
Dr Suzanne Crowe
Mr Ian Drennan
Ms Mary Duff
Mr John Gleeson
Mr Paul Harkin
Prof Marina Lynch
Dr Michael McGloin
Prof Joe McMenamin
Dr Aoife Mullally
Mr John Murray
Mr Joe O'Donovan
Mr Tom O'Higgins
Mr Jim O'Sullivan
Prof Mary O'Sullivan

APOLOGIES

Dr Anthony Breslin
Prof Fidelma Dunne
Prof John Hyland
Dr Erica Maguire
Dr Maeve Moran

In attendance
Mr Leo Kearns (CEO)
Mr Philip Brady (Director of Registration and Business Process Improvement)
Mr Damian Downes (Director of Corporate Services)
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 Úna O'Rourke (Director of Education & Training)
Ms Katie Mulroy (Head of Investigations & Complaints; Solicitor)
Ms Johanna Morris (General Counsel)
Ms Ann Curran (Head of Registration)
Ms Ciara McMorrow (Head of Procurement & Facilities)
Ms Roseanne Fox (Head of Finance)
Mr Alan Gallagher (Head of Communications)
Mr Colin Cooper (Head of ICT)
Ms Marion Mitchel (Head of HR)
Ms Aoife Fitzsimons (Head of Quality Improvement, E&T)
Mr Fergal McNally (Stakeholder Engagement Manager)
Ms Jan Fitzpatrick (Corporate Governance & Council Manager)
Ms Kate Zalewska (Corporate & Council Officer)

MEMBERS PRESENT – 6th May 2021

Dr Rita Doyle (President)
Dr Tom Crotty (Vice President)
Dr John Barragry
Ms Teresa Bulfin
Dr Suzanne Crowe
Mr Ian Drennan
Ms Mary Duff
Prof Fidelma Dunne
Mr John Gleeson
Mr Paul Harkin
Prof Marina Lynch
Dr Michael McGloin
Prof Joe McMenamin
Dr Maeve Moran
Dr Aoife Mullally
Mr John Murray
Mr Tom O'Higgins
Mr Jim O'Sullivan
Prof Mary O'Sullivan

APOLOGIES

Dr Anthony Breslin
Ms Vicky Bloomfield
Prof John Hyland
Dr Erica Maguire
Mr Joe O'Donovan

In attendance

Mr Leo Kearns (CEO)
Mr Philip Brady (Director of Registration and Business Process Improvement)
Mr William Kennedy (Director of Regulation, Solicitor)
Ms Lorna Purcell (Head of Corporate Governance & Secretary to Council)
Mr John Sidebottom (Head of Inquiries, Health and Monitoring)
Ms Katie Mulroy (Head of Investigations & Complaints; Solicitor & Legal Advisor)
Ms Ruth Rock (Solicitor & Legal Advisor)
Mr Kevin Walsh (Solicitor & Legal Advisor)
Ms Treasa Walsh (Solicitor & Legal Advisor)
Mr Alan Gallagher (Head of Communications)
Ms Jan Fitzpatrick (Corporate Governance & Council Manager)
Ms Kate Zalewska (Corporate & Council Officer)
Ms Beth Bolger (Complaints & Investigation Manager)
Mr Jamie McGarry (Case Officer)

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

Presentation – Mr Colm Henry

Dr Colm Henry, Chief Clinical Officer of the HSE, gave a presentation to Council on his COVID 19 Reflections. Dr Henry's presentation covered areas such as:

- 'A Year of Wishful Thinking'
- The Fragility of well-developed Heath Care Systems
- The Value of Public Health

- Congregated settings; Good for your Health?
- Secondary harm
- Social Cohesion
- Vaccines: Our Great Hope

The President thanked Dr Henry for his very informative presentation and advised that Council would contact him again regarding any public statement to be made by Council. Council also agreed to consider the outcomes of the presentation at a future meeting.

CEO'S Business

CEO report

The President welcomed the new CEO, Mr Leo Kearns, on his first CEO Report to Council. The CEO advised Council that the CEO report would be presented in two parts, the first being his observations on his first month with the organisation, and the second – the CEO Report – would be presented by Mr Brady.

The CEO informed Council that he had met with staff, Council members and some Committee members, and has had detailed briefings on the various functions of the organisation, as well as with key stakeholders, such as the HSE.

The CEO advised Council that he had identified a number of areas of key importance to review as a priority:

1. Education and Training function of the Medical Council,
2. Ways in which Council can "work smarter" and other ways in which to improve the workload of Council, including review of organisation design, organisational planning and performance, and improving core processes in line with move towards right touch regulation.
3. Governance.

The CEO noted that there was a significant burden on Council members due to both the board and operational requirements of the Act. The CEO advised he intends to review the current structures of the organisation with a view to developing a clearer framework within which the organisation can operate. Key to this will be ensuring clarity of roles, responsibilities and accountabilities.

The CEO further advised the current workload was also placing an unsustainable burden on staff members, and there were significant resource issues, some of which were urgent and would need to be addressed in the short term. It was noted that this is having a negative impact on some staff in terms of not being in a position to take annual leave and having to work extremely long hours. Council was also advised that the CEO intends to bring about improvements in the business planning and budgeting processes to enhance efficiencies within the organisation. He also referenced a number of ongoing initiatives and projects including Remote Hearings Platform, the introduction of a new Model for Professional Competence, the Consultative Forum on Education & Training, among others.

The CEO then informed Council of the need to build strong relationships with our stakeholders to promote confidence in the Medical Council and assist Council in achieving its strategic objectives and goals.

The CEO also acknowledged the exceptional commitment and effort of staff, and the ongoing projects to bring about improvements to the business of Council.

Mr Brady, former CEO, then provided and an update on progress on the 2021 Business Plan, including an update on the status of the colour coded objectives. Council was advised that to date, six objectives on the Business Plan have been delivered. Council was then updated on the following activities:

Some work has been carried out in anticipation of the implementation of the *Regulated Professions (Health and Social Care) (Amendment) Act 2020* but delays have been experienced. In regard to Registration, it was noted that the relevant Statutory Instrument has not yet been signed. It was also noted that the Executive are mapping out their capabilities in response to the amendments to the Preliminary Proceedings Committee/Complaints process.

Council was informed that due to the impact of the global pandemic, inspections of clinical training sites and anatomy departments have been deferred. Council was also informed that the project group for reviewing the Inquiry backlog is meeting weekly in order to make as much progress as possible. Council was advised of the ongoing discussions with the GMC in the UK with respect to changes to the Medical Council's processes.

Mr O'Donovan then informed the outgoing Council members, that as agreed by Council at a previous meeting, if they wish to remain on a committee, then their Expression of Interest should be submitted to the Secretary to Council and would be considered by the Strategy and Governance Committee and the CEO in the first instance.

Council approved the CEO 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 Consultative Forum on Education & Training, the Department of Health, the Overprescribing Working Group, the Irish Medical Schools Council and the RCSI.

The President updated Council on the first meeting of the Consultative Forum on Education and Training on 24th April 2021. Council was informed that there was a very well represented attendance and congratulated Ms Fitzsimons and her team on a very well organised meeting. It was noted that a further meeting was held on 30th April, and it was proposed by the Chair of Education and Training Committee that the level of engagement and support could warrant an annual event. The President then informed Council that Prof O'Sullivan had agreed to join the Group.

Council was advised that the Transitional Care Group is progressing its objectives, with a view to completion by the end of this Council term. Council was then advised of the meeting with the Prescribing Guidelines Working Group and its progress on an information booklet, which is near completion.

Finally, the President, recommended to Council that the Overprescribing Working Group should continue following her departure, as it makes a very positive contribution. Council approved the President Report.

Transitional Care Report

The Report of the Consultative Forum on the Transitional Care and Priorities was presented to Council by the President.

Council was advised that the Transitional Care Consultative Forum was established in early 2021 with a view to providing a mechanism for communication, exchange of information and pooling of expertise and knowledge around issues arising in transitional care, which can present high-risk scenarios for patient safety. Following a number of meetings, the group produced the report outlining a number of priorities for action.

The President thanked Mr Gallagher, Mr McNally and the Communications Team for their hard work in the establishment of the group and the drafting of the report. Council agreed that Transitional Care is a serious issue that needs to be addressed, and decisions should be made as to the use of the resulting information.

It was noted in the first instance, that this matter should be included on the curriculum of Medical School education programmes and that circulation of the report should go to key stakeholders of Council; Dept of Health, the HSE, as well as a multi-disciplinary approach with other healthcare providers. The President advised Council that this Report should be brought to Ms Laura Magahy (Slainte Care) as was promised by the Council in its previous meeting with Ms Magahy in early 2020.

Prescribing Guidelines

Ms Mulroy updated Council on the work of the Prescribing Guidelines Working Group.

Council was advised that the Prescribing Guidelines Working Group has drafted a booklet to assist registered medical practitioners with responsibilities involving the prescription of any treatment, medication or therapy, and in the communication required in shared care and transfer of patient care. It was noted that the booklet is intended to complement the Guide to Professional Conduct and Ethics for Registered Medical Practitioners (Amended) 8th Edition 2019. Council was advised that the development of the booklet was in consultation with a number of stakeholders including the College of Psychiatry, ICGP and RCPI.

Following Council approval, it is intended that the draft Booklet would then be made available for targeted consultation prior to being finalised and published by the Medical Council. It may be necessary for the working group to convene one final meeting to consider feedback arising from the consultation, in advance of final approval by Council. It was decided to refer the matter to the Ethics Committee in the first instance. The President expressed her concern re Medications being recommended rather than prescribed.

Council members suggested a number of amendments to the booklet, including direct reference to the relevant areas of the Ethical Guide, the membership under the Terms of Reference and the layout.

It was agreed that the working group would review the comments and re-circulate to Council prior to being issued for public consultation.

Committee Reports:

Strategy & Governance Committee (SGC)

The report of the Strategy and Governance Committee meeting held on the 31st March 2021 was presented to Council.

Council was updated on the following matters:

- SGC's next priority is the development of the draft Annual Business Plan 2022. Each Committee to be invited to identify relevant activities that should be captured in the business plan and associated budget. It was agreed that the business planning process would be commenced much earlier in the year to allow for efficient planning in order to be included in the budget planning for the following year.
- SGC will receive updates on Council's Information Governance at a forthcoming meeting.
- SGC has approved amendments to the Terms of Reference of the Ethics Committee.

Council was advised the Committee is working on a bridging document to demonstrate how the Business Plan is implementing the Council's Strategic Objectives. It is intended that this document will assist incoming Council members on the current status of the Strategy, as well as informing the Mid Term Strategy Review. Council was also advised of the ongoing review of Council Members' workload and the Chair will discuss the matter further with the CEO.

Council approved the report of the Strategy and Governance Committee.

Annual Report

Mr Gallagher provided an update to Council on the Annual Report 2020. Council was advised that a new section has been included in the Annual Report on the Medical Council's approach to the pandemic. It was noted that once the approved Financial Statements, the CEO and President's Statements are available, the report will be forwarded to the Professional Regulation Unit of the Dept of Health for review, prior to being submitted to the Minister.

Council suggested a number of amendments to the Annual Report, including the membership of recently appointed Council members and the level of detail in the report.

Council approved the Annual Report 2020 subject to the proposed amendments being made.

Audit, Finance & Risk Committee (AFRC)

The report of the Report of the Audit, Finance & Risk Committee meeting held on 27th April 2021 was presented to Council. Council was advised that there were a number of items for decision:

1. **Final 2020 Financial Statements**
   Council was advised of the content of the Financial Statements 2020, to be included in the Annual Report 2020. It was noted that the C&AG Letter to management was still yet to be received and included in the financial statements.

   Council approved the Financial Statements 2020.

2. **Internal Audit Evaluation Board**
   Council was advised that following a tender process, Crowley's DFK were the successful firm to be appointed as the Council's internal auditors for a period of two years, with the option to extend for a further two years.

   Council approved the appointment of Crowley's DFK as the Council's internal auditors for the approved periods.

3. **Bank Mandate**
   Council was advised of the amendments to the bank mandates to reflect the changeover of President and the appointment of the new CEO.

   Council approved the amendment to the bank mandate, as set out in the report of the AFRC.

4. **Human Resources Management System (HRMS) Evaluation Report**
   Council was advised that following a recent tender process, Strandum Ltd were the successful firm to be appointed to provide a HMRS to the Medical Council.

   Council approved Strandum Ltd to be awarded the contract for HMRS services to Council.

Council was then advised of a number of items for noting including an update on the Q1 Management Accounts 2021 and the ongoing tender process to update the Registration Portal. It was noted that an ECM may be required later in May to consider the final approval of a contract.

Council was then updated on the Business Continuity Planning (BCP) – Advisory Report by Deloitte. Mr Cooper advised Council that assurances have been received verbally from Deloitte regarding the organisation's reaction to the global pandemic. Mr Downes then assured Council that learnings will be taken from the report and included in the Risk Register.
Council was then updated on the status of the Risk Register. Mr Downes advised that there was little movement in the relevant period, however since February, one red risk had been added and another red risk had been downgraded, with the total number of red risks remaining at 22.

Council was then updated on the migration of the Risk Register to the Risk function on Decision Time. Council was advised that the new system was presented at the AFRC meeting and forms a key tool in the improved way in which risk is managed by the Executive. It was noted that this new functionality allows for risk to be managed at a corporate level across the organisation and following a review of all risks and controls, it will help to provide greater assurances to Council.

Council approved the report of the AFRC.

2020 Financial Statements

This item was considered under item 7.1

AFRC Terms of Reference

Council was advised that this matter had been removed from the agenda for consideration at a later date.

Registration & Continuing Practice Committee (RCPC)

The Reports of Registration & Continuing Practice Committee meetings held on 11th March and 15th April 2021 were presented to Council.

Council was advised of a number of matters for noting:

CPD Accreditation Standards Development
Council was updated on the development of CPD accreditation standards in partnership with the Accreditation Council for Continuing Medical Education (ACCME). It was noted that this is a high-level roadmap for developing a framework for CPD Accreditation. Council was advised that ACCME would present to the RCPC and Council in due course.

Professional Competence Framework Model Development
Council was advised that the Working Group had met a number of times and had received feedback from the Postgraduate Training Bodies. Council noted that it is intended to present the framework model to Council at the June Meeting.

Recency of Practice
Council was advised of the recent amendments to the Act regarding Council making rules in relation to recency of practice. It was agreed that there are many layers to the determination of recency and that the RCPC approved the establishment of a Working Group to explore this issue in detail and to formulate a policy position.

Arrangements with Professional Competence Scheme Operators
Council was advised of the development of the two-year Arrangements with Professional Competence Scheme (Scheme) operators for 2021-2023. Council noted that the RCPC had agreed a two-year extension period to allow sufficient time to progress work on the maintenance of professional development areas, as set out in the report. Council noted that the RCPC will request further details regarding the Professional Competence Scheme verification process and how Scheme operators intend to advance the verification process considering international experience and the 2019 review recommendations. Council was advised that it is intended that the revised verification process will be implemented as part of the 2023 Arrangements between the Medical Council and Scheme operators.

Central Data System for Monitoring Professional Competence Requirements.
Council was advised of the Committee's intention for a deviation from the recommendation to establish a centralised data repository of CPD compliance data. It was noted that compliance management should follow a right-touch regulatory approach to monitor non-compliance to the MPC requirements. Council was advised that it may be requested to consider a three-year model for persistent non-compliance. It was noted that legal advice would be sought in this regard.
Council approved the reports of the Registration and Continuing Practice Committee meetings held on 11th March and 15th April 2021.

Education and Training Committee (ETC)

The reports of the Education & Training Committee meetings held on 15th March and 14th April 2021 was presented to Council.

Council was informed that the first Education and Training Consultative Forum meetings took place on 23rd and 30th April 2021. The forum was chaired by an independent facilitator from Communiqué International. Council noted the aim of this forum is to work with all of the Medical Council's stakeholders collaboratively, to achieve a consistent and balanced approach in the application of quality standards across the continuum of education and training.

Council was advised that the Committee has approved a policy with regard to third party input into the accreditation process. Council noted that a final policy had been agreed by the Committee as a formal mechanism for considering approaches from third parties outside the standard accreditation/inspection process.

Council was then updated on activities relating to Undergraduate and Postgraduate training programmes. Council noted that an online Accreditation of the RCSI Bahrain medical degree programme, which was originally scheduled to take place in March 2020 and deferred due to an outbreak of Covid-19 in the Kingdom of Bahrain, took place in March 2021. The Assessor Team is currently in the report-drafting phase. Council was informed that the WFME require confirmatory visits to observe training in action as part of the accreditation process, and that this would be considered later in the year when social restrictions allow.

Council was then advised that the HSE NDTP has developed an e-Portfolio geared towards NCHDs who are not in official training posts or programmes. The e-Portfolio is now in the final stages of testing and it is hoped to be launched by May 2021. Council was informed that the facility is easy to use and will allow NCHDs to record training and experience which can be validated by their supervising Consultants.

Council approved the reports of the Education & Training Committee meetings of 15th March and 14th April 2021.

Ethics Committee

The Report of the Ethics Committee meeting held on 2nd March & 14th of April 2021 was presented to Council.

Council was advised that the Committee has agreed the process to approach a review of the Guide to Professional Conduct and Ethics for Registered Medical Practitioners. The Committee agreed a detailed project management plan which includes two separate consultation phases, as set out in the report. Council was advised that as part of a pre-consultation exercise to test the platform and to obtain the views of the Executive, a consultation process was delivered to the Executive. The feedback from this will inform the stakeholder consultation going forward.

Council was then advised of the proposed timeline for completion of the project and noted that it was on track to deliver by year end 2022.

Council approved the report of the Ethics Committee.

Monitoring Committee

The report of the Report of the Monitoring Committee meeting held on 29th April 2021 was presented to Council.

Council approved the report of Monitoring Committee.

Health Committee

The report of the Report of the Health Committee meeting held on 28th April 2021 was presented to Council.

Council approved the report of Health Committee.

Presentation – Prof Frank Murray

Prof Frank Murray, recently retired Medical Director of the NDTP in the HSE gave a presentation to Council on his reflections on the Medical Council's role in regulation and education of doctors, and the future.

Prof Murray outlined his thoughts on the current challenges facing the Irish medical workforce, including the number of trainee doctors who opt to move abroad to practise medicine, the prevalence of Non-Training Scheme doctors being employed in the health care setting and consultants not being on the Specialist Division of the Register. Prof Murray recommended a collaborative approach with all relevant stakeholders to address the ongoing issues and suggested that the Medical Council takes an advocacy approach in this regard.

The President thanked Prof Murray for his very informative presentation.

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

Fitness to Practise Committee Matters

The report of the Report of the Fitness to Practise Committee Report meeting held on 27th April 2021 was presented to Council.

Council was advised that there are currently 79 Inquiries to be heard by the Fitness to Practise Committee. Council was provided with a breakdown of the Inquiry activity conducted in 2020 and 2021, as well as the plans for holding Inquiries this year, subject to current social restrictions.

Council was then advised that a project team had been appointed to address the backlog of Inquiries, predominantly caused by the global pandemic. Council was informed that the project team intend to review various options for holding virtual and hybrid inquiries and that a procurement process had commenced relating to the purchase of a bespoke remote hearing platform.

Council was also informed of the proposed changes to the complaints process arising from the amendments to the Act included in the Regulated Professions (Health and Social Care) (Amendment) Act 2020. Ms Duff, as her last report as Chair of the Committee, thanked Mr Kennedy, Mr Sidebottom and Ms Morris for their ongoing support and hard work in such a challenging year.

Council approved the report of the Fitness to Practise Committee.

Reflections of outgoing Council members

As a result of the commencement of the Rolling Term of Council, Council members who had opted for a shorter term provided their reflections and recommendations from their term of office. The President, as Chair of the Health Committee, the Chair of the Fitness to Practise Committee, as well as the other outgoing Council Members; Prof Dunne, Mr O'Higgins and Dr Barragry, shared some of their experiences with Council.

The CEO, on behalf of the Executive, thanked the President and outgoing Council members for their ongoing work for Council, and the extraordinary commitment shown to the organisation.

Any other business (AOB)

Ms Curran advised Council that in normal circumstances, registrants were invited to pay their annual retention fee by 30th June, and anything received thereafter would be subject to a late payment fee. Council was reminded that, due to the impact of the global pandemic, this late payment fee was waived in 2020, and it was proposed to waive the fee again in 2021.

Council approved the recommendation to waive the late payment fee for registrants for 2021.
The President advised Council that a request had been received from HIQA for the Medical Council to nominate a representative to an Advisory Group that will assist with the development of Recommendations to the Minister for Health on ICT Enablement of Older Persons' Services.

Council was advised that all Expressions of Interest should be forwarded to Ms Purcell in the first instance. Council was advised that the Prescribing Booklet will be forwarded to the Ethics Committee for consideration prior to being issued for public consultation.

Date and Time of next meeting

The next scheduled meeting is on Wednesday 16th & Thursday 17th June 2021. (Gov & Reg)

There being no further business, the meeting concluded at 16.00.