Summary minutes of the Medical Council meeting held virtually on 1st & 2nd December 2021 through Zoom Meeting App.

MEMBERS PRESENT –1st December 2021

Dr Suzanne Crowe (President)
Dr Thomas Crotty (Vice President)
Ms Vicky Blomfield
Ms Teresa Bulfin
Ms Marie Culliton
Dr Mary Davoren
Mr Ian Drennan
Prof Paul Finucane
Mr John Gleeson
Mr Paul Harkin
Ms Jill Long
Dr Michael McGloin
Prof Joe McMenamin
Dr Aoife Mullally
Dr Margaret O'Riordan
Mr Jim O'Sullivan
Prof Mary O'Sullivan
Mr Ronan Quirke
Professor Edna Roche

APOLOGIES

Dr Anthony Breslin
Prof John Hyland
Prof Marina Lynch
Mr John Murry

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 Regulation, Solicitor)
Ms Jantze Cotter (Director of Professional Competence & Research)
Ms Úna O'Rourke (Director of Education & Training)
Mr John Sidebottom (Head of Inquiries, Health and Monitoring)
Ms Katie Mulroy (Head of Investigations & Complaints; Solicitor)
Ms Ruth Rock (Solicitor & Legal Advisor)
Ms Treasa Walsh (Solicitor & Legal Advisor)
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)
Mr Colm Redden (Solicitor & Legal Advisor)
Ms Fiona Healy (Head of Quality Improvement & Education and Training Section)

MEMBERS PRESENT – 2nd December 2021

Dr Suzanne Crowe (President)
Dr Thomas Crotty (Vice President)
Ms Vicky Blomfield
Ms Teresa Bulfin
Ms Marie Culliton
Mr Ian Drennan
Prof Paul Finucane
Mr John Gleeson
Mr Paul Harkin
Prof John Hyland

Ms Jill Long
Dr Michael McGloin
Prof Joe McMenamin
Dr Margaret O'Riordan
Mr Jim O'Sullivan
Prof Mary O'Sullivan
Mr Ronan Quirke
Professor Edna Roche

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Mr Kevin Walsh (Solicitor & Legal Advisor)
Ms Treasa Walsh (Solicitor& Legal Advisor)
Mr Colm Redden (Solicitor& Legal Advisor)
Ms Johanna Morris (General Counsel)
Ms Jane Horan (Fitness to Practise Manager)
Ms Carol Fitzpatrick (Complaints & Investigation Officer)
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.

Your Training Counts Report

Ms Cotter provided an overview to Council on the 'Your Training Counts' Report and the related findings. Mr Ciaran Carr then presented the report to Council in a pre-recorded video presentation.

Council was informed that 'Your Training Counts' 2019/2020, the Medical Council's annual National Trainee Experience Survey, presents trainee experiences and outcomes across the 13 postgraduate medical training bodies in Ireland.

The findings captured key trainee experiences and outcomes across eight themes:

- Work Time
- Self - Rated General Health
- Mental Health
- Bullying
- Adverse Events
- Professional Wellbeing
- Clinical Learning Environment
- Migration Intentions

Council noted the contents of the report and discussed the findings.

CEO'S Report & 2022 Business Plan

CEO's report

The CEO provided an overview to Council of the CEO's report.

Council was informed that the Executive has engaged with the Department of Health regarding commencement of the 2020 Act. When the Act is commenced it will contain key aspects which will affect the Medical Council. Council was informed that Mr Kennedy is leading a group which will aim to have the Department commence the Act whether that is in its entirety or partially.

Council was informed that regarding hearings and inquires it is estimated that the 22 hearings will be held remotely. Council was informed that an additional 8 resources have been granted by the Department with a possible additional 6 resources sanctioned in the future.

Mr Brady outlined the Business Plan for 2022 to Council. Council was informed that the plan reflects the collective thinking of the executive in particular to address the Council's key risks and priorities. The plan encompasses the entirety of the organisation and acknowledges that there will be a need for expertise when required which has been reflected in the budget.

Council was informed that the plan is presented in two forms - the Business As Usual (BAU) and the Change Programme. In terms of the BAU, the 2022 plan is somewhat similar to the 2021 plan, in so far as the outcomes and actions are outlined in line with the Council's Statement of Strategy. The KPIs are now reflected separately to the specific outcomes. Council was also informed that an operational dashboard is being developed which will be reviewed in the CEO's report to Council on a quarterly basis.

Council was informed that the Change Programme reflects the work that has been ongoing since mid-year. Council was reminded that the direction of travel for the Change Programme is derived from discussions from Council. It was driven by the need to address issues around governance, operational performance, right touch regulation and changes to the regulatory functions. Council was informed that the resourcing plan is reflective of the needs of the organisation.

Council approved the Business Plan for 2022.

Council was informed that the operational budget contains a projected surplus of €813,000. In terms of income there is a very marginal decrease on our 2021 flexed position. In relation to salaries, a number of new roles have been sanctioned and the recruitment and training for these positions has commenced.

Council approved the Budget for 2022.

Risk Register

The Risk register was presented to Council by Ms Redmond.

Ms Redmond informed Council that a new risk register has been developed in line with a Risk Management Plan 2022. The Register comprises a three-tier system of Red, Amber and Green.
Council was also advised that the risk register should be live by the end of the week dated 10^{th} December 2021.

Council approved the Risk Register and Risk Management Plan 2022. The President and Council thanked Ms Redmond for her comprehensive report.

Awarding of Contract- Stenography Services

Mr Brady presented this matter to Council. Council was informed that the contract for the provision of Stenography and Transcript Services expired in October 2021. A procurement process through the OGP framework was carried out and two providers were shortlisted - Epiq and Gwen Malone Stenography Company.

Following the evaluation of submissions across areas of approach and methodology, quality and team, and cost, Council was asked to approve of the Stenography contract to Gwen Malone Stenography Company who were the most Economically Advantageous Tender under the award criteria and scored the highest mark of the submissions received.

Council approved of the Stenography and Transcript Services contract being awarded to Gwen Malone Stenography Company.

Media Insight Report

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. The launch of the annual report received coverage in both national, print, and online media, medical media and in broadcast. The key themes referenced included the need for workforce planning, the complaints process and the Council's response to Covid-19 (mainly around the Covid-19 register).

Council was informed that in November, following the launch of the Medical Council's Annual Report, the President appeared on RTÉ Radio 1, on the 'Today with Claire Byrne' show and the CEO took part in regional media interviews; and was interviewed on KFM Radio, on the 'Kildare Today' show with Clem Ryan. The Council was informed that some negative press coverage was received in relation to the deferral of the PRES level 3 exams.

Council was informed there was significant national, regional, and online media coverage following the recent RTE Investigates report. Mr Gallagher confirmed that a detailed media review for 2021 will be brought to Council at the next governance meeting in 2022 which will exam the types of coverage received, the sentiment and whether it was positive or negative towards the Council with a comparison to last year's report.

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 Overprescribing Working Group, the Medical Leaders Forum and the RCSI. The President advised Council that she is focused on meeting as many stakeholders as possible within the healthcare and education environment as possible, and that the engagements were mostly positive. Council noted the contents of the report.

Committee Reports:

Strategy & Governance Committee (SGC)

The report of the Strategy and Governance Committee meeting held on the 15th September 2021 and the 15th November 2021 was presented to Council.

Council was updated on the following matters:

- SGC remains available to support, as appropriate, the Change Programme being led by the CEO.

- SGC received update on the draft Business Plan 2022 and the Change Programme and notes that both are broadly consistent with Council's strategic plan. It notes that both are subject to ongoing revision and budget confirmation.

- The SGC is liaising with the President, CEO, the Chair of the AFRC and the Delegations & Committees Project Lead to discuss the focus of both Committees to ensure that no crossover or gaps in activities occur. It may be necessary in due course to amend the SGC Terms of Reference in light of these discussions and the output of the Change Programme.

Council was updated on the following matters for noting: the change program, Council Performance and Development, Committee Matters and Information Governance.

Mr Harkin advised Council of the comprehensive report presented to the SGC on Information Governance management, including a recent decision regarding vexatious Freedom of Information requests.

Council approved the report of the Strategy and Governance Committee.

Procedure for the appointment of Chairs to Committees

This matter was presented to Council for decision.

Council was informed that in the Medical Council's Standing Orders 2010 set out: *2.8.2 Other Committees "The method of appointment of a chairperson to each committee shall be a matter for the Council".*

Council was informed that the recent introduction of the rolling term of Council led to a number of Chairs of Committees vacancies. In addition, vacancies have arisen when chairs have had to step down for a variety of reasons. To fill these positions, an EOI process was rolled out to all Council members. It is noted by the Strategy & Governance Committee that this process may have an impact on the general composition of the committee, including increased membership and the medical/non-medical balance, as well as increasing the workload of the Executive, however it is recommended that the EOI process is rolled out to all Council members.

Council was requested to consider the Chair Appointment Procedure document, and to decide on the following:

1. Duration of Chair Term of Office and Membership of a Committee
2. Approval of the Procedure for the Appointment of Chairs to Committees

Council approved the Procedure for the appointment of Chairs to Committees including the duration of appointment of three years with a possible rolling three-year duration thereafter.

Audit, Finance & Risk Committee (AFRC)

The report of the Report of the Audit, Finance & Risk Committee meeting held on the 16th November 2021 was presented to Council.

Mr Drennan highlighted a number of observations to Council regarding the Terms of Reference for the Committee. It was noted that there appears to be some cross over of functions with the SGC and the Executive, and a review of the ToR would be conducted as part of the change plan.

Council was advised that one matter that will feed into a future decision by Council is the draft budget – 2022. The Committee was then presented with an overview of the draft 2022 budget by Ms. Fox. The Committee noted that both the draft Budget and draft Business Plan may be subject to further amendment. That being the case, having been provided with an understanding of the budget development process and the proposed controls over Change Programme expenditure, the Committee agreed that it is prepared to recommend the draft budget to Council for further consideration with a view to approval.

Council was then advised of a number of items for noting including the Q 3 2021 Risk Register, Q 3 2021 Management Accounts and the Investment Performance YTD 2021- Davy Update.

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

Registration & Continuing Practice Committee

The Reports of the Registration & Continuing Practice Committee, held on the 16th September and the 11th November 2021 were presented to Council. It was confirmed that there were no items for decision.

Ms Bulfin informed the Council in relation to the CPD Accreditation Model a presentation was made by Dr Graham McMahon on the 16th of September regarding stage three. Council was informed that stage four has commenced and will focus on developing the capacity and confidence of accrediting body staff in the accreditation process.

Council was informed in relation to the statutory instrument a change to the Statutory Instrument 171 of 2011 Rules for Maintenance of Professional Competence is required. A draft of the new statutory instrument will be presented to the Committee in 2022 following which a consultation process on the draft SI will be conducted.

Council was informed that the Registration and Continuing Practice Committee discussed the new Scheme Operator Arrangements which will take into consideration the strengthened Maintenance of Professional Competence (MPC) Framework Model, CPD accreditation standards, and modified reporting requirements. Draft Arrangements will be presented to the Committee in 2022.

Council was informed that the Committee had decided to increase the number of performance assessors and a recruitment process for Performance Assessors (medical and non-medical) is progressing. Remote training is being provided to shortlisted applicants as two sessions spread over two weeks in October 2021.

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

Education and Training Committee (ETC)

The report of the Education & Training Committee meeting held on 17th November 2021 was presented to Council.

Council was advised that there were no matters for decision, and was updated on the three following matters, including:

1. The Committee agreed to a request from the Executive to defer a planned review of the guidance document on “Ethical Standards and Behaviour Appropriate for Medical Students” next year, to prioritise more pressing projects within the E&T change programme.

2. Targeted focus group sessions with key stakeholders are being planned for early next year to get feedback on the drafted Standards and Criteria for medical education and training.

3. The report on Governance of the Intern Year was discussed following a presentation by Prof. Derek Gallen on his review. Prof. Gallen took questions from members of ETC on his findings and recommendations. ETC has agreed to an extraordinary meeting before the next scheduled ETC meeting for an in-depth discussion on the Report. A report with recommendations will then be prepared for Council

Council noted the report of the Education & Training Committee meeting held on 17th November 2021.

Report of the Consultative Forum

Ms O'Rourke presented the report of the Consultative Forum, October 2021 compiled by Communique.ie to Council. Council was advised that there were no matters for decision and was simply for information.

Council was informed that Communique had been engaged to act as an external facilitator for a series of seven meetings held with key stakeholders. The meetings were well attended and the contributions and decisions that were held were very productive. A focus was placed on how Council's regulation of Education and Training can better align itself to the future needs of the health care system.

The issues that were identified were:

- Legal Constraints
- Annual reporting processes
- Duplication of data requests from different organisations
- Inconsistency in regulatory measures
- Lack of IT supports for information and data exchange.
- Overlapping roles of the Medical Council and others
- The need for a Health Service workforce strategy
- The need for more engagement with key stakeholders and engagement with young doctors and students.

As a result of the identification of these issues, key themes were developed at a high level for the Education and Training Quality Improvement change project:

- Right Touch regulation
- Building better processes
- Governance and accountability
- Strategic alignment

Council was informed that building trust is essential to the success of the future regulation of medical education and training. Council noted the contents of the report.

Ethics Committee (EC)

The Report of the Ethics Committee meeting held on 8th September 2021 and the 20th October 2021 was presented to Council.

Council was advised that there were no matters for decision. Council was informed that the first consultation on the current guide has been completed and that feedback had been received from a number of organisations. It was noted that there were two main themes relating to the feedback, relating to Termination of Pregnancy and Conscientious Objection.

The next step is targeted consultation. There are two steps to this process:

- Chronological review of the guide in its entirety
- Focus groups looking at each area of the guide in February.

Council was informed that the project is currently on track to be completed by the end of 2022. Council noted the contents of the report.

Monitoring Committee

The report of the Monitoring Committee meeting held on 18th November 2021 was presented to Council.

Council noted the report of the Monitoring Committee.

Health Committee

The report of the Health Committee meeting held on the 17th November 2021 was presented to Council.

Council approved the report of the Health Committee meeting.

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 12th January 2022 at 9.00am

There being no further business, the meeting concluded at 16.20.