



# The Royal College of Emergency Medicine

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## COUNCIL MINUTES

The Minutes of the meeting of the Council held in the Prosper Suite at the Ambassadors Hotel, Upper Woburn Place, London WC1H 0HX on Wednesday 24<sup>th</sup> January 2018.

The meeting was chaired by the **President, Dr Taj Hassan**

### In attendance (Trustees)

Dr Peter Ahee	<i>Chair, West Midlands Board</i>
Dr Nick Athey	<i>Chair, Northern Board</i>
Dr John Burns	<i>Chair, FASSGEM</i>
Miss Gillian Bryce	<i>Revalidation Director</i>
Dr David Chung	<i>Vice President, Scotland</i>
Dr Jim Crawford	<i>Chair, East of England Board</i>
Dr Steve Crowder	<i>Chair, North West Board</i>
Dr Carole Gavin	<i>CPD Director</i>
Miss Julian Harris	<i>Chair, TSC</i>
Dr Katherine Henderson	<i>Chair, London Board</i>
Dr Simon Hunter	<i>Chair, South Central Board</i>
Dr Jason Long	<i>Dean</i>
Prof Suzanne Mason	<i>Treasurer</i>
Dr Sean McGovern	<i>Vice President, Northern Ireland</i>
Dr Chris Moulton	<i>Vice President</i>
Mrs Lisa Munro-Davies	<i>Vice President</i>
Mr Derek Prentice	<i>Chair, Lay Group</i>
Dr Robin Roop	<i>Vice President, Wales</i>
Dr Paul Stewart	<i>President, EMTA</i>
Dr Dominic Williamson	<i>Chair, South West Board</i>

### Representatives:

Mrs Suzanne Cosgrave	<i>Chair, Corporate Governance Committee</i>
Dr Andrew Goddard	<i>RCP representative</i>
Dr Andrew Walden	<i>SAM representative</i>

### Staff:

Mrs Gerardine Beckett	<i>Office Manager</i>
Mrs Emily Beet	<i>Deputy CEO</i>
Mr Gordon Miles	<i>CEO</i>

### C18.01 Welcome and apologies for absence

The President welcomed to Council Dr Andy Walden, new representative from the Society of Acute Medicine (SAM), and Dr Paul Stewart, new President of EMTA. It was noted that this would be the last Council meeting attended by Miss Gillian Bryce, who ends her term of office as Revalidation Director and Dr Steve Crowder, out-going chair of the North West Board.

Apologies:

Dr Adrian Boyle	Chair, QEC
Dr Alasdair Gray	Chair, R&P committee
Dr Ian Higginson	Registrar
Dr Graham Johnson	Chair, Yorkshire & Humber Board
Dr Julian Webb	Chair, South East Coast Board
Dr Richard Wright	Chair, East Midlands Board
Dr Jerry Nolan	RCoA Representative

### **C18.02 Conflicts of interest**

Mr Miles advised Council that the current Conflicts of Interest policy is under review and is with our lawyers for advice. It is advised that all trustees should in fact declare their place of work on the form as this in itself, is a conflict of interests.

**Action:** GB to re-circulate the policy document

### **C18.03 Minutes**

It was noted that Minutes need to be adjusted to reflect those present are trustees and those in attendance are co-opted, representatives and staff.

Mrs Suzanne Cosgrave reminded Council that if attending Council as a deputy this would not entitle you to vote.

The Minutes were then approved, taking into account these adjustments.

**Action:** GB to amend

### **C.18.04 Matters arising/action points**

- i. C17.102 President's report: Briefing notes for Council on current issues for press enquiries – these have not yet been produced mainly due to the volume of press enquiries received in the last month however, Mr Miles advised that the Policy Team are always ready to support regional and national chairs should they be approached by the media for comment.
- ii. C17.106 Dean's report: Dr Will Townend will be invited to March Council to update Council on the review of the curriculum **Action:** GB
- iii. C17.110 Reports from Devolved Nations – Dr Jo Mower to complete a new Conflicts of Interest form considering that she has been appointed as advisor to the Welsh Government on Emergency Care. This has been done
- iv. C17.108iii Position Statement on Associate Specialist Grade – Drs Moulton and Burns have developed a good statement which needs to be reviewed by the Service Design Committee for approval at Council. It may be helpful to check AoMRC guidance on this too.
- v. C17.112i AOB, Social Media advice – Mr Miles will be producing some generic guidance on this topic. **Action:** GM

### **C18.05 President's report**

- i. Nursing representation – Dr Hassan advised that the Faculty of Emergency Nursing is represented on Council currently but the RCN Emergency Care Association seem to be the size of organization to provide wider representation as they have 8,000 members as opposed to 100 for FEN. Dr Hassan would like to write to FEN to

suggest that therefore the ECA may be the most appropriate body to speak for this group. **Action:** Letter to be drafted (TH/GB)

- ii. Workforce strategy – which was launched in October. The last three months have been spent devising its implementation. The Operational Group is chaired by our lead dean, David Wilkinson with representatives from both our Executive and TSC. Dr Hassan expressed his gratitude to Mrs Lisa Munro-Davies and Miss Julia Harris who have been working to drive this group and work forward. The Senior Advisory Group will oversee progress and look at obstacles which may arise. Miss Harris confirmed that a meeting of the Heads of Schools were working to deliver and oversee this work. She confirmed however, that there's no funding for any of the posts. There are several areas of work, ACCS, DRE:EM, International recruitment and leadership work. Dr Hassan was clear that we must also work to maximise retention in the specialty and also work to support older Consultants in the 50 – 55 age bracket or those approaching retirement, also SAS doctors. In discussion with NHSI, they are enthusiastic to work on this and make EM the first specialty to develop such a working career framework. Mr Miles urged caution around age discrimination. Dr Goddard advised that the RCP are preparing a response to the HEE consultation. The RCP have calculated that 3,500 more medical students will be required to fill the gaps left by doctors retiring. Dr Hassan agreed that we need to look at this area as well as the 1/3/5 year vacancies and immigration regulations. Miss Bryce reported on a working group looking at burnout and early retirement and the need for flexibility and opportunities for diversify if there's a special interest. Mrs Beet advised the curriculum re-write, which needs to be completed by 2020, is trying to give attention to sustainability of the training programme and identify points in training where a break could be worked in. Feedback suggests that trainees do not always feel prepared to take up consultant posts. Dr Henderson was anxious that we don't have the resulting specialty one where people spend time doing other things. We need our training programme to be the pinnacle. Dr Hassan thanked Council for their input and invited them to feedback to him or Mrs Munro-Davies if they wished. Dr Crawford suggested including some detail of this in the member survey being developed.  
**Action:** TH/CM/LMD/JH/GM
- iii. Creating Workforce Stability in Emergency Care – the draft document was circulated and Dr Hassan advised that it's an attempt to pull together exemplars of good practice and is brought to Council for feedback and suggestions. Once final can be shared in the regions. Dr Long sought confirmation whether this was a UK wide document or England only and after discussion it was agreed to remove reference to NHSI from it as there was also some question around the strap line on the document. **Action:** GM to re-circulate to Council for their comments and for discussion at March Council.
- iv. Clinical Directors letter to the Prime Minister – Dr Hassan advised that the letter was published on the day that he and the VPs and CEO visited No 10, which created some tension at the beginning of the meeting. Dr Hassan has been working to find ways to better connect with Fellows and Members and was hoping to develop some webinars and podcasts. The letter itself is very balanced and some signatories are present today. Dr Goddard urged the authors of the letter to ensure they receive a timely and appropriate response. Mr Prentice suggested that we should request an MP to raise the letter and its contents during PM's question time. Further discussion took place on developing or establishing a clinical directors forum within the College who could meet twice a year but conduct their conversations virtually. Professor Mason was very concerned when she saw the letter as she felt it might indicate that members did not feel the College Council were representing them effectively. She also felt that our system of representation is failing and has raised this in the past. Dr Hassan agreed that we need to be able to support regional chairs more effectively, Dr Crawford

confirmed that he was a signatory to the letter but he was also aware that Dr Hassan and the Vice Presidents are working hard behind the scenes and the authors of the letter had no intention to undermine this work. Dr Williamson was concerned that despite all this work and all the media activity nothing is really changing. Mr Prentice advised of the work of the Policy Team who, with his support, have developed a “write to you MP” campaign. If MPs received multiple letters from their constituents questions will clearly follow. Mrs Munro-Davies advised that it's difficult to keep everyone updated but was concerned whether trust was forthcoming from Council.

- v. Update on STPs in England – this document has been submitted to the Health Select Committee. Mr Miles will let Council members know once it's been made public.
- vi. Party conference briefing papers for information – these were circulated and Dr Crawford checked whether they can be shared. This was confirmed. Dr Hassan also confirmed that the College office is able to email to constituents on regional chairs' behalf, which is a preferred option given the forthcoming implementation of the GDPR legislation. Mrs Cosgrave updated Council on issues for GDPR if Council members are holding lists of email addresses and names. Mr Miles advised that a potential solution would be to set up an College email account for all regional chairs (such as [EastMidlandschair@rcem.ac.uk](mailto:EastMidlandschair@rcem.ac.uk)) which would facilitate an information request. **Action:** GM to initiate email set up.

#### **C18.06 Registrar's report**

In Dr Higginson's absence Mr Miles took these items:

- i. Nominations for the role of Treasurer – We have two nominations from Dr Peter Ahee (West Midlands regional board chair, nominated by Dr Chris Moulton and seconded by Joanne Taylor) and Dr Scott Hepburn (nominated by Dr Jason Long and seconded by Professor Suzanne Mason), Ordinary Fellow on the Corporate Governance Committee. Ballot papers were circulated to trustees present and Dr Ahee left the room whilst the nominations were discussed. The Chief Executive and Deputy Chief Executive supported the Office Manager with the count and Dr Scott Hepburn was elected. **Action:** GB to write to Dr Hepburn with details and responsibilities of the role.
- ii. Changes to the boundaries of the South Central and South West Regions – this is agreed and will be effected with a change in the bye-laws.
- iii. Applications for Fellowship and Membership – were circulated in paper form. All were approved but it was requested that the list be circulated electronically to save paper. **Action:** GB to advise the membership team
- iv. Amended Terms of Reference for the Global EM committee – this should go to the Corporate Governance for approval but in the meantime, Council approved these, subject to approval by Corporate Governance. Some minor re-wording was required. **Action:** EB/GM
- v. EMTA report – Dr Paul Stewart attending his first Council acknowledged the work of his predecessor, Jon Bailey. Dr Stewart is an ST5 in Hull and has worked previously as a GP before returning to EM. Dr Stewart met with the President and CEO last week to discuss improving communication with members and between EMTA and the College. Terms of reference for EMTA are being reviewed. The poster circulated *You are not a superhero* was for Council to endorse, along with the RCoA, FICM etc and this was agreed.
- vi. Survey of Fellows and Members – this is being led by the Registrar and other members of Council and will be circulated to Council and Executive before sending to members.

## C18.07 Treasurer's report

Professor Mason advised that the year end accounts are currently being prepared ready for the auditors to examine. Our finances are looking healthy but the main concern is around resources and demands on College staff – which is not for discussion at this Council but will need to be discussed in the near future. Mr Miles agreed we are working in a very pressured environment, although not as pressured in the same way as our members. We would like to increase staffing in most areas but budgets will need to be agreed and also we would need to ensure that the pressure was continued rather than cyclical. Dr Crawford asked about other college staff numbers. The RCP has 30 members of staff in its policy team alone.

## C18.08 CEO's report

- i. Report on a regional ball - RCEM College Council as part of its arrangements to celebrate the 50<sup>th</sup> Anniversary of the Specialty authorised expenditure of £500 by each Regional Chair on an anniversary event. One of the Regional Chairs entered into a contract with a venue for a Ball with a guaranteed minimum number of attendees and that number was not achieved: hence there was an identified potential £3,000 shortfall which the Regional Chair approached the College for help with funding. Having asked the College for assistance, which was turned down, there was a Crowdfunding website set up to seek funding for the event shortfall and donations for the RCEM Foundation.

An investigation was undertaken by the Chair of Corporate Governance, Suzanne Cosgrave. The report and a summary of recommendations was circulated and considered and was put to the Executive on 11 January 2018.

The final position was that there was a shortfall on the event but RCEM did not contribute anything more than the originally authorised £500 and no funds were raised by the Crowdfunding site. **The outcome could however have had far-reaching adverse consequences potentially leading to the need to notify the Charity Commission by a Serious Incident Report.** The incident brought to light some very significant governance issues which although no quantifiable damage flowed on this occasion they must not recur and so must be addressed as soon as practicable to ensure the College is to avoid the possibility of the potential financial losses and the reputational damage and which might occur from poor governance.

What follows is a summary of those recommendations – with in some instances narrative as to actions already undertaken or in hand – the full report is available for any Trustee who wishes to read it.

### **Recommendations which relate to the College Trustees individually or Council as the Board of Trustees**

1. All decisions made by Council concerning authority for previously unbudgeted financial commitments to be formally recorded within Council minutes.
  - a) When relevant, the decision, and Council's expectation, should be provided to the individual who is being authorised to act together with Council's directions, if any, concerning providing feedback on actions taken and provision of an account of the funds expended.

2. Attendance of Trustees and others to be separately identified in the Council minutes by stating those who are Trustees as being "Present", all others to be shown as "In Attendance".

**Council to note** that formally allowing deputies to attend when Trustees are not available might seem to encourage this practice, whereas for good governance the Council would want regular attendance by the Regional Chairs as the College Trustees.

3. Council members, who are the College Trustees, will each be asked to complete the Charity Commission form (attached) for Trustee eligibility. Each new Trustee will be asked to complete the same form before attending their first Council meeting.
  - a) All College Trustees should, on appointment, be invited to a meeting (this could be by phone ) with the College lawyer as a pre-requisite to attendance at the first meeting in which they will be acting as a Trustee.
  - b) The Office Manager (or College lawyer) should maintain a register and retain a copy of the signed Charity Commission new Trustee form acceptance form for each Trustee, on appointment
4. A formal letter of appointment together with the Job description/role description should be issued by the Council immediately upon appointment of every Committee Chair and Vice-Chair. A copy of that letter should be signed and returned and the sending of the letter should be minuted.
  - a) It is essential that Chairs of all Committees, whether College Trustees or not, are fully aware of the limits to the authority they have, if any, to enter into contracts which might be binding on the College or commit to any financial transaction that has not had prior express authority from Council, the Treasurer or the Chief Executive in writing.

**Council to note** this will be covered in the Regulations that will be developed as part of the current review of Bye-Laws

- b) The Job description/Roles of each Chair/Vice Chair and/or remit of the Committee as appropriate must specify the relevant Bye-laws governing that Committee and outlining in detail what the financial/budgetary authority of that Committee/Committee Chair, if any.

**Council to note** This process i.e. to clarify the relevant Bye-law in the Committee remit/Job description is already in hand

5. Trustees will be asked to restate their Eligibility and Declaration annually as well as recording their confirmation that they have received and read all relevant background authorities relating to governance of the College.
  - a) There will be an exception report to Corporate Governance annually of any non-conformities by Trustees or Committee Chairs

### **Matters specific to the current roles and remit of Regional Boards**

6. In the current Bye-Laws National and Regional Boards, unlike other College committees, cannot have their Terms of Reference modifying their powers set by Council. Any change to the delegation of functions to Regional Boards can only be implemented by a change to the Bye-Laws.

**Council to note** the Chief Executive and Registrar are undertaking a comprehensive review of the Bye-Laws in conjunction with the College lawyer which will report to Council and will consider the specific issues of the role and the constitution of a Regional Board.

**Council to note** that under the current Bye Laws the Regional Boards have no authority to undertake fundraising and should not do so whilst the Bye-Laws remain as currently in force.

7. I recommend that Council should review each of the current Regional Boards to ascertain whether they have a full membership and are meeting regularly, if not, seek clarification from the College lawyer as to what their status is according to the current Bye-Laws.

8. I recommend that Council should put in place specific induction of each new Vice-Chair for the purpose of confirming their eligibility as a future Trustee.

**Council to note** the current Bye-Law (9 c II) provides for the election of Vice-Chair of a Regional Board but thereafter, unless the Vice-Chair does not wish to, he/she assumes the role of Regional Chair.

9. If it is relevant, the recommendations concerning induction etc. of Regional Vice-Chairs may be applied to National Boards also.

#### **Recommendations that impact upon the RCEM Foundation**

10. RCEM Trustees and the RCEM Foundation should ensure that it is widely understood that any literature soliciting funds issued in its name must comply with the requirements of the Charities Act.

11. The full investigation report should be shared with the Chair of the RCEM Foundation who may want to take action on some of the issues that this series of incidents raised, for example,

- a) the RCEM Foundation should consider issuing urgent and clear advice on the requirements of the Charity Commission in relation to fundraising.
- b) to put in place procedures for handling all instances of unauthorised fundraising in future.

**Council to note:** On this occasion the Chair of Corporate Governance in conjunction with the CEO took steps to instruct that the Appeal to be stopped, an irregular approach but this seemed an effective and acceptable approach in this instance.

These recommendations were accepted. There was a discussion and several Council members expressed concern about their responsibilities. Mr Miles advised Council members to seek his advice before organizing regional events. **Action:** All

- ii. Risk Register – this was omitted from circulation and will be circulated immediately after Council for all Council members to review and report back to Mr Miles.  
**Action:** All
- iii. RCEM Foundation Advisory Board guidance paper – this was approved by Council.
- iv. Mr Miles asked Council to note, with sadness, the death of the wife of our previous Corporate Governance Chair, Mr Denis Franklin.

### **C18.09 Dean's report**

There were two items to consider:

- i. JD for the Chair of TSC – this has been updated and approved by corporate governance, following changes to the eligibility of those who can stand for this role. This was approved
- ii. ACP group – this group of clinicians are now fully embedded within the Training Department of the College and Council were asked to note the removal of reference to HEE. This was done
- iii. The College Tutor role was discussed at Council in November 2017 and the title and accountability has changed and the website amended. Council approved this change.

### **C18.10 Report from the Lay Advisory Group**

Mr Prentice's report was circulated and highlighted the work on the *Write to your MP* campaign. Mr Prentice asked Council to note the recent resignation of Bhaskar Choudry from the group due to commitments at his university. Mr Choudry was thanked for his contributions to the group over the past several years.

### **C18.11 Report from the Honours Committee**

Mr Prentice, as chair, asked Council to note the Committee's work and to note that as a result of the Committee's nomination, Dr Clifford Mann was awarded an OBE in the New Year Honours list.

### **C18.12 Reports from the Regions**

- i. South Central – Dr Hunter's report was tabled and discussed with Dr Hunter confirming the various issues facing trusts in his region, which reflect similar issues around the country
- ii. South East Coast – no report submitted
- iii. South West – Dr Williamson's report was circulated for information and he reported on the worst performance over the Christmas and New Year period ever. There was a general discussion about multi-disciplinary teams working in EDs
- iv. West Midlands – Dr Ahee's report was noted and contained details of issues facing the West Midlands, achievements of the region which included West Midlands Training programme voted the best as assessed by the trainees.
- v. Yorkshire and Humber to report at March Council

### **C18.13 Progress report on the Spring Conference in Cardiff, 17<sup>th</sup> – 19<sup>th</sup> April 2018**

Dr Gavin reported that the programme was almost complete and although slightly behind with registrations, the Events team were confident that the event would be successful, despite the date clash of a trauma conference taking place in Stoke.

### **C18.14 Progress report on the joint RCEM/EuSEM conference in Glasgow, 8<sup>th</sup> – 12<sup>th</sup> September 2018**

Dr Long reported on progress of the event which is a joint event run by EuSEM therefore using MCOs and a very large venue (SECC). EuSEM anticipate 2,500 – 3,000 delegates. The event starts with pre-conference activities on Saturday 6<sup>th</sup> September, Sunday 7<sup>th</sup> is the true start, Monday 8<sup>th</sup> September is the date for the gala dinner and Tuesday 9<sup>th</sup>

September will be our AGM. Prof Rick Body chairs the Academic programme group. There will be meetings and teleconferences every month from now on. All thanked Dr Long for his report and for his input into the programme.

**C18.15 Any other business**

- i. Dr Ahee asked about consultant productivity which some CEOs are pushing for. Dr Hassan confirmed this would be an item for discussion at Council later in the year.
- ii. March Council will receive an update from the Careers Group of the College, Dr Townend will be invited to update on the curriculum review, Dr Ed Smith, new chair of SDCC will be invited as will Mrs Pauline Philip, NHSI. **Action:** GB

**C18.16 Date of next meeting**

The next meeting of Council will take place on Thursday 15<sup>th</sup> March 2018 at 7 – 9 Bream's Buildings, London EC4A 1DT, starting at 10.00am

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