

Board meeting
Public minutes of the meeting
15 May 2024



Unapproved Minutes of the Board meeting, 15 May 2024

Present

Caroline Corby (CC - Chair)
Alan Clamp (AC - Chief Executive)
Marcus Longley (ML)
Frances Done (FD)
Juliet Oliver (JO)
Moi Ali (MA)
Tom Frawley (TF)
Ruth Ajayi (RA)

In Attendance

Marija Hume
Rachael Culverhouse-Wilson
Suzanne Dodds
Akua Dwomoh-Bonsu
Nirosha Thilagarajan
Oyinkan Onile-Ere
Dinah Godfree
Melanie Venables
Simon Wiklund
Max Sesay
Dan Scott
Melanie Hueser (Secretariat)

Observers

See below

1. Welcome and Introductions & Declarations of Interest

- 1.1 The Chair opened the meeting and welcomed everyone to the Board meeting. Observers included members of staff and external observers: Anisah Chowdhury (GMC) and Terry Korateng (NMC).
- 1.2 The Chair thanked Christine Braithwaite, for whom this was the last Board meeting, on behalf of all Board members for her excellent work over her 14 years at the PSA.
- 1.3 The Chair welcomed Ruth Ajayi, the new Associate Board member, to her first Board meeting.

2. Apologies

- 2.1 Nick Simkins sent apologies.

3. Minutes of meeting held on 20 March 2024

- 3.1 The Board requested that paragraph 8.2 be changed to 'It was confirmed that the forecast deficit, which was mainly due to Section 29 overspend, was outside of the control of the PSA, could be absorbed through the reserves.'
- 3.2 The minutes of the last Board meeting held on 20 March 2024 were accepted as a true and correct record and approved.

4. **Actions and Matters Arising from the meeting on 20 March 2024**

- 4.1 17 January, Item 5.6 'Add a discussion on Board diversity to the Nominations Committee agenda.' The Chair confirmed that that a follow-up meeting from this discussion at the Nominations Committee had been organised. A Board workshop on 'How to increase diversity in (Board) appointments' took place on 24 April.
- 4.2 All actions were complete or on track.

5. **Chair's report**

- 5.1 The Chair introduced the item and congratulated Nick Simkins on his appointment as Audit and Risk Committee Chair from 1 July. Nick will also be mentor to Ruth Ajayi.
- 5.2 The Chair congratulated Melanie Venables on her appointment as Director of Policy and Communications from 1 July.
- 5.3 Recruitment for a new Board member to replace Nick had started; this will be undertaken in-house, with Julie Dent as the independent panel member.
- 5.4 The Nominations Committee will discuss at their next meeting whether Board terms should be changed to two terms of three years (currently two terms of four years). Possible staggering of appointments will also be discussed. A recommendation will come to a future Board meeting.
- 5.5 The Chair had finished all Board appraisals and details will be shared in the July Chair's report.
- 5.6 The Chief Executive's objectives were shared with all Board members and the Chair requested that all comments be shared by Friday, 24 May.
- 5.7 The Board **noted** the report.

6. **Executive report and project dashboard**

- 6.1 The Chief Executive introduced the item. Around 150 responses had been received on the draft guidance on implementing reform, with the majority being supportive of the PSA's approach.
- 6.2 The Board **agreed** to delegate the sign-off of the Annual Report and Accounts to the Audit and Risk Committee.
- 6.3 Some of the projects on the dashboard were somewhat over the deadlines, not all of which, like the Safeguarding Project, were under PSA control. The website project was of more concern, but progress had been made and the project manager would be confirmed in the next few days. Further updates will follow at the next Board meeting.
- 6.4 The Board had agreed changes to the scheme of delegation in the governance framework. This will be sent to the Board for approval after the meeting.
- 6.5 **Section 29:** Changes had been made to the decision-making process to avoid the same person making decisions at different stages. The changes to the governance framework also meant that panels no longer required a Board member to be included.

- 6.6 An initial review into other stages had started, and efficiencies had been realised in various smaller ways. Cost oversight had been discussed with the Scrutiny Committee. Work on demonstrating value for money and measuring success was ongoing.
- 6.7 A qualitative and quantitative review on learning points and sharing learning was underway.
- 6.8 The Board will start receiving updates on the progress and outcomes of the various workstreams from September 2024.
- Action:** GM to bring an update on the progress of the Section 29 review and the learning points review to the September Board meeting.
- 6.9 The Board queried when the number of statutory deadline decisions would be going down and it was confirmed that the work currently ongoing would facilitate this.
- 6.10 It was confirmed that a process for an annual report on the processes and learning points will be developed once the changes have been implemented, planned for March 2025.
- 6.11 An analysis of Section 29 appeals will be planned in to start at the end of the calendar year. Information on themes and other characteristics will continue to be collected throughout the year. The Board emphasised that this would be needed to plan the budget.
- Action:** GM to bring a forecast of likely numbers of appeals to the January 25 Board meeting.
- 6.12 **Accredited Registers (ARs) and Performance Review (PR) – Review of Standards project:** The Scrutiny Committee had discussed the plans for developing unified standards for ARs and PR and had agreed to plans for implementation from April 2026, with project dates worked out from this. Updates will come to the Board on the project dashboard and to the Scrutiny Committee.
- 6.13 The Policy team was working on the response to the General Medical Council regulatory reform consultation and was also preparing a response to a consultation from the General Dental Council on regulation of overseas dentists.
- 6.14 The Board expressed its appreciation for the update on the commission from the General Teaching Council Scotland. It was confirmed that the process for the commission was following the recommendations from the internal audit on commissions that had been conducted a few years ago. It was also confirmed that, should there be a capacity issue due to the commission it would be possible to bring in additional resources thanks to the income from this commission.
- 6.15 The Board requested details on work ongoing to encourage Accredited Registers to display the quality mark. It was confirmed that this work had only recently started and that the Communications and Accredited Registers Programme team were working with registrants directly as well as the Accredited Registers to promote displaying the quality mark.
- 6.16 It was confirmed that the influencer campaign was still being planned for future Communications engagements.

- 6.17 The Board queried whether work on the common code issue was worth pursuing. It was explained that while there was reluctance among the regulators to pursue a common code, members of the public, unions and registrants felt that there would be a benefit in a common code of conduct across the profession. The team will review research received from an external agency to determine whether to take this work forward.
- 6.18 The Audit and Risk Committee (ARC) had reviewed the draft Annual Report and Accounts (ARA). The NAO had started its external audit, and ARC will sign off the ARA at its June meeting. The ARA will be laid before Parliament at the end of June.
- 6.19 Recruitment continued to be busy, with the Website Project Manager having been offered the role. The recruitment agency for the Board recruitment had been selected. Recruitment for Scotland and Northern Ireland will begin over the summer, with Cymru/Wales following in the autumn. It was confirmed that July will be avoided for activities in Northern Ireland.

7. Finance report

- 7.1 The Director of Corporate Services introduced the item. The final overspend was £113,000, which was primarily due to legal costs in the Section 29 work.
- 7.2 There had been a surplus in the Accredited Registers Programme of £86,000.
- 7.3 For the 2024/25 budget it was planned to return £290,000 to the regulators.
- 7.4 The Board queried whether it would be possible to have more accurate forecasts throughout the year. It was confirmed that efforts will be made to confirm more precisely with budget holders their forecasts.
- 7.5 The Board **noted** the report.

8. Risk appetite

- 8.1 The Chief Executive introduced the item. He had met with all Heads of Functions to discuss risk appetite and management in their areas in preparation for this Board discussion.
- 8.2 The PSA was risk averse in regard to fraud, cyber security and health and safety, as would be expected.
- 8.3 The Board agreed that the risk appetite outlined in the paper was at the right level. It was queried whether expressing an eagerness to seek risk was quite correct and whether this should be rephrased to make it clear that the eagerness was for innovation and that there was awareness for the risks associated.
- 8.4 The Board agreed that risk appetite for anything that would diminish the PSA's core function should be low. It was also discussed how things like the backlogs issue could be tackled without raising risks to unacceptable levels and how being supportive of possible improvements through reform could be weighed up against the danger of lowering public protection.
- 8.5 The Board agreed that insight into these discussions had been useful and that they should be continued within the Directorates.

- 8.6 The Board agreed that looking at risk again at Board level and particularly considering it from the point of view of the public would be useful.
- 8.7 The Board requested that in the next steps risks specifically related to the Devolved Administrations should be considered.

9. Committee updates

- 9.1 **Audit and Risk Committee:** The Committee received the annual Internal Audit report, which stated that the overall arrangements for risk management, governance and internal control were adequate and effective and gave a score of two out of four (the second highest).
- 9.2 The Committee approved the internal audit plan for 2024/25 and received the Information risk management report assuring the Committee that the data protection arrangements across the PSA were sound.
- 9.3 **Scrutiny Committee:** The Committee undertook a deep dive on the Accredited Registers Programme (ARP), including the decision-making structure around the approval of registers. The changes will be piloted, which the Committee will monitor.
- 9.4 The Committee had been assured that the issue of conversion therapy was being addressed adequately within the ARP when it came up.
- 9.5 A letter with the PSA's support for equalisation of VAT for private healthcare services for both Accredited Registers and statutorily registered practitioners will be sent to the Department of Health and Social Care.
- 9.6 A discussion of the NMC whistleblower case had brought up the issue of the range and depth of intelligence received. This will be discussed in more depth at an upcoming meeting of the Committee.

10. Safeguarding project

- 10.1 The Head of Accreditation introduced the item. It was confirmed that this issue will be aligned with the work on reviewing the standards for ARs and PR.
- 10.2 It was planned to resource this in the current team thus had to be fitted around other commitments but it was felt that this was realistic and important.
- 10.3 The Board agreed that they were content with the approach and commended the team for the work already undertaken and the realisation that this was an issue worth considering not just in relation to ARs but also for regulators.
- 10.4 The Board emphasised that the view of the public on this issue was important and that the project should continue to seek these views.
- 10.5 The Board **noted** the update.

11. Board workplan 2024/25

- 11.1 The Board **noted** the workplan.

12. Any other business

12.1 There was no other business discussed.

13. Questions from Members of the Public

13.1 There were no questions.

13.2 The Chair thanked the observers for their interest in the PSA.

Signed by Chair..... Date.....

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Action Log

On track (including not started) Delayed (or medium risk of delay for projects) Overdue (or high risk of delay for projects) Complete

| Mtg. Date | Item No. | Action point | Owner | Date required | Action progress | Status |
|-------------------|----------|--|-------|----------------|---|----------|
| 20 September 2023 | 5.10 | Bring updates on the progress of the review to each SC meeting, and a final report to the September 2024 Board meeting. | GM | September 2024 | Ongoing – reported to SC in February 2024. Detailed update to be provided to SC in August ahead of Board update in September. | On track |
| 17 January 2024 | 9.4 | Add annexe on value for money (including procurement and contract management) in the business planning papers in summer 2024 | JC | July 2024 | Will be included in draft for September | On track |
| 20 March 2024 | 10.11 | Ask Head of Policy to schedule meeting for the Policy team with the DA Board members every six months. | MV | July 2024 | Complete; meetings scheduled. | Complete |
| 15 May 2024 | 6.8 | Bring an update on the progress of the Section 29 review and the learning points review to the September Board meeting. | GM | September 2024 | | On track |
| 15 May 2024 | 6.11 | Bring a forecast of likely numbers of appeals to the January 2025 Board meeting. | GM | January 2025 | | On track |