

Board meeting

Minutes of meeting

18 March 2015



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Present

Jill Pitkeathley (Chair)
Harry Cayton (CE)
Renata Drinkwater
Ian Hamer
Andrew Hind
Antony Townsend
Stuart MacDonnell
Jayne Scott

In Attendance

Linda Allan
Rosalyn Hayles
Douglas Bilton (on behalf of Christine Braithwaite)
Rick Borges (Item 8)
Philip Hallam (Item 9)
Majida Serroukh (secretariat)

Observers

Donna O'Boyle, Professional Regulatory Adviser,
Scottish Government
Fionnuala Gill, Nursing and Midwifery Council
(NMC)
Robert Scanlon, Head of Corporate Business
Planning, Office of Chair and Chief Executive
(GMC)
Teena Chowdhury, Scrutiny Manager
Kisha Punchihewa, Senior Solicitor
Dinah Godfree, Senior Policy Adviser
Amy Smith, Senior Policy Adviser
Louise Menzies, Appointments Officer

1. Welcome and Introductions & Declarations of Interest

- 1.1 The chair welcomed everyone to the meeting.
- 1.2 The Chair confirmed that she had now been appointed Chair of the Big Society Trust.

2. Apologies

- 2.1 There were no apologies from members of the Board.
- 2.2 There were apologies from Christine Braithwaite, Director of Standards and Policy.

3. Minutes of meeting held on 21 January 2015

- 3.1 The minutes were approved as an accurate record of the meeting.

4. Matters arising from meeting held on 21 January 2015

- 4.1 There were no matters arising from the meeting held on 21 January or that were not otherwise on the agenda.

5. Chair's report

- 5.1 The Chair acknowledged that there had been a lot of parliamentary activity over the past few months and wanted to put her thanks on record to the policy team, particularly Dinah Godfree and Amy Smith for their assistance with briefings for herself and other parliamentarians.
- 5.2 The Chair recently met with the Chair of the NMC, and will also be attending the NMC senior stakeholder dinner which will be launching, the new Code for Nurses and Midwives.
- 5.3 The Executive Secretary to the Board will be in contact with all Board members to arrange appraisals with the Chair in May/June 2015.
- 5.4 Two groups of new staff have been taken on the tour of the House of Lords with the Chair, with another group scheduled for next week.

6. Chief Executive's report

Section 29

- 6.1 There are currently six live appeals.
- 6.2 At the last Board meeting, the Board were informed of a GCC case where the Court ordered that the case be reheard and a charge of dishonesty brought, and that the new panel determined a lesser sanction. After lengthy consideration the Authority has decided not exercise its discretion to appeal as to do so would have been disproportionate. There was a Court hearing in relation to a HCPC case on 17 March. The Judge reserved judgement, further update will be provided to the Board.

Initial stages audit

- 6.3 Since the last Board the Authority has published the GCC's audit report. We will be currently compiling the NMC audit report.

Standards and Policy – legislative reforms

- 6.4 The HCPC section 60 Order on Public Health Specialists has fallen since the writing of the report.
- 6.5 The PSA/GMC section 60 Order was cleared by the Joint Committee on Statutory Instruments on 4 March 2015.
- 6.6 Regarding the Health and Social Care (Safety and Quality) Bill the Minister has assured Parliament that Clause 5 of the Bill will not change the Authority's objectives.
- 6.7 The Authority has been removed from the list of regulators to be covered by the economic growth duty in the Deregulation Bill.

Symposium and Academic Research Conference 2015

- 6.8 The Authority arranged two excellent events, with extremely positive feedback from attendees. The Chair and Chief Executive wanted to put on a record their thanks to Douglas Bilton and all staff who helped with the smooth running of both events.
- 6.9 The next steps will be for the Research and Knowledge Manager to synthesis knowledge from the events and look at how the Authority might grow the network, work on possible collaborations, and whether there may be any specific pieces of research/projects.
- 6.10 Para 6.2 – The Chief Executive confirmed that the Cost Effectiveness Review is currently with Australian Health Ministers and is expected to be published in April. Further updates will follow.

7. Finance Report

- 7.1 At the last Board meeting it was agreed that the Chair would write to the Department of Health on behalf of the Board setting out our concern at the proposal from the Department to bring in the new funding arrangements for the Authority on 1 August 2015. We have now received acknowledgement of our letter.
- 7.2 It was agreed that the Authority should now seek a Letter of Comfort to confirm that the Department would continue to fund us until the Levy is brought into effect. This would involve a credit facility to cover our operative functions, we are awaiting full details to be provided by the Department.
- 7.3 As it currently stands, we will be financed by the Department for four months and for eight months by the regulators. Thereafter we will move to a normal financial year arrangement.
- 7.4 We have received a subvention of £72,000 for the Accredited Registers programme from the Department. They have agreed to continue to provide a subvention until 2017.

8. Update on Accredited Registers

- 8.1 A Conference on the Accredited Registers is scheduled to take place on 2 June 2015.
- 8.2 The progress report on Accredited Registers was circulated last week and feedback from stakeholders so far has been very positive.
- 8.3 There has been media interest in the report. There was also a press release in Scotland with a Ministerial comment. There will also be a special edition of the e-bulletin to publicise the report.
- 8.4 The Authority has now completed consultation with the Accredited Registers in relation to the Education Training Review for Standard 9. We plan to go to full public consultation imminently.
- 8.5 The team are currently processing two new applications, with five reviews under assessment.

8.6 Last week we accredited the Association of Christian Councilors.

9. Revision of the performance review

9.1 An update on the proposals for the performance review was put to the Board, along with the proposed consultation and supporting annexes.

9.2 The Board were notified that in line with what was agreed at the last Board meeting on 21 January 2015, the regulators were given further opportunities to comment on proposals for the revision of the performance review:

- On 18 February 2015 we held meetings with representatives from the regulators to look at the dataset, regulatory risk standard and the decision making process.
- On 11 March 2015, Chair of the Audit and Risk Committee met with members of the regulator's Audit and Risk Committees.

Feedback from meeting with regulator representatives on 18 February 2015

9.3 The Chief Executive and the Senior Manager (performance review development) gave the Board feedback from the meeting with regulator representatives on 18 February 2015.

9.4 One of the key changes to the proposals is around the regulatory risk standard where the group expressed no appetite to have a standard on regulatory risk as it was felt that it would be difficult to identify the outcomes.

9.5 Instead, a different approach involving asking a question about risk at the assessment decision stage might be more useful and helpful. It was suggested that the Authority could ask, '*What is the likelihood that you will fail in the coming year to protect the public, and have you identified any specific risks?*'.

9.6 It was felt by many that this would be a positive move as it would be the first time the Authority would be asking a question looking to the future, rather than just looking retrospectively.

9.7 However it was suggested that with having a regulatory risk standard it would be evidence based and allow the staff to collect measurable evidence, and this would give the Authority staff reassurance that they had made the right decision.

9.8 The Board were asked to consider whether to include the alternative proposals relating to regulatory risk, as set out in section four of the consultation document (i.e. whether to have a regulatory risk standard or regulatory risk question).

9.9 The Board agreed that there would be a benefit on consulting on both, but noted this may have an impact on analysing what comes back from the consultation.

Action: PH

9.10 The Authority discussed the proposed indicators regarding the dataset with the regulators, and based on their feedback we have amended the indicators to those included in annex three.

- 9.11 The Board were asked to review the indicators and to approve that the dataset are an appropriate method of measuring sector performance, and that those chosen are the correct indicators.
- 9.12 The Board agreed that we needed to consider whether the dataset is manageable and also the cost implication of quarterly collection.
- 9.13 It was agreed that the Chief Executive, Director for Scrutiny and Quality and members of the Scrutiny and Quality team would meet to agree the minimum dataset necessary and include a rationale for our thinking. This should be included in the consultation.

Action: HC, RH, PH

- 9.14 The Board were also asked to agree when we would be affected by the general election. It was agreed this would not be an issue and that the Authority could launch its consultation when the documents were ready.

Feedback from meeting with regulator's Audit and Risk Committee members on 11 March 2015

- 9.15 The Chair of the Audit and Risk Committee fed back to the Board regarding the meeting on 11 March 2015.
- 9.16 There was strong support for the direction of travel and there was support for a move towards a more risk based approach.
- 9.17 Attendees at the meeting felt that they could provide the data being requested. They felt that it would be important for the Authority to demonstrate how we would use the data collected. Also asked whether we could make it more explicit about why we are choosing to collect the data we have identified and whether more weight would be placed on some items of data over others.
- 9.18 A question was raised about the regulatory impact assessment around the data and whether we could include the cost for the regulators to provide this data and for the Authority to analyse.
- 9.19 Regarding the risk assessment, all agreed that the first line of responsibility to identify risks should lie with the regulators.
- 9.20 Those who attended the meeting had been in favour of a regulatory risk question rather than a standard.
- 9.21 The group had suggested that perhaps the Audit and Risk Committee of each regulator could also have sight of the Authority's decision at the assessment decision stage, and input especially regarding the question about regulatory risk.
- 9.22 The Board were satisfied that we had a considerable amount of informal consultation with the regulators and have allowed them to feed in their comments and thoughts regarding our proposals. They also noted that they are pleased with the level of collaboration but that this is the Authority's review and we have to retain a level of independence.
- 9.23 The Board put on record their thanks to all the team involved in preparing the documents for consideration.

10. Published Audit Reports

10.1 The audit reports have been shared with the Board as and when they have been completed.

11. Any other business

11.1 Dates for the Board meetings in 2016 were shared with the Board. Board members were asked to check and inform the Executive Secretary if they were going to be unable to attend any of the meetings.

11.2 The Executive Secretary would also be looking at possible venues for the meeting in September 2015.

12. Questions from members of the public

12.1 Both Fionnuala Gill and Robert Scanlon thanked the Authority for allowing them to observe the meeting, and look forward to responding to the performance review consultation in due course.

12.2 Donna O' Boyle thought the work the Authority had done in ensuring the regulators were given the opportunity to informally consult on the performance review was very positive and was enthused by the level of engagement. And felt that it was also important that the Authority does not compromise its independence.

13. Private session of Board

13.1 The Board resolved to exclude the public and went into private session.

13.2 The Board agreed that certain members of staff would be invited to join for certain items on the agenda of the private session.

Approved by the Board on 20 May 2015.