

Board meeting
Public minutes of the meeting
19 January 2022



Approved Minutes of the Board meeting, 19 January 2022

Present

Caroline Corby (Chair)
Alan Clamp (Chief Executive)
Renata Drinkwater (RD)
Moi Ali (MA)
Frances Done (FD)
Antony Townsend (AT)
Tom Frawley (TF)
Marcus Longley (ML)

In Attendance

Christine Braithwaite
Mark Stobbs
Jane Carey
Graham Mockler
Douglas Bilton
Collette Byrne
Colette Higham
Daisy Blench
Dinah Godfree
Louise Appleby
Marija Hume
Mehrunnisa Lalani
Melanie Venables
Suzanne Dodds
Bernice Johnson
Richard West
Melanie Hueser (Secretariat)

Observers

See below

1. Welcome and Introductions & Declarations of Interest

- 1.1 The Chair welcomed everyone to the virtual Board meeting which included members of staff and external observers: Anna Rafferty (HCPC) and Nasia Nicou-Panayiotou (HCPC).
- 1.2 The Chair noted that the Board had made the decision to discuss more in public, therefore the public meeting was longer this time.
- 1.3 MA had stepped down as Chair of Action Against Medical Accidents (AvMA).
Action: MH to update the Board Register of Interests.

2. Apologies

- 2.1 There were no apologies received.

3. Minutes of meeting held on 17 November 2021

- 3.1 The minutes of the last Board meeting held on 17 November 2021 were accepted as a true and correct record and approved, with the changes noted in 3.2 and 3.3.

- 3.2 In item 3.2, the word pre-emptive will be changed to proactive, so the sentence reads 'The Board member (MA) informed the Board she had spoken informally with the Scottish Ombudsman and asked the Authority to consider a joined up and proactive approach to complaints being made across the countries'.
- 3.3 Item 6.7 will be changed to 'Board member (MA) was concerned that as the Scottish member, she had not been notified that a meeting had taken place with the Scottish Public Services Ombudsman and asked to be informed in advance of future stakeholder meetings in Scotland.'

Action: MH to amend the November Board minutes.

4. Actions and Matters Arising from the meeting on 17 November 2021

- 4.1 **17 November 2021, Item 6.9: Send a letter regarding the FtP backlog to the regulators** – The team felt that sending a letter to all regulators was not proportionate, as some of them had no backlogs. Instead, the team will meet with the regulators regularly and check on progress.
- 4.2 The Board **requested** an update report on the backlog status for all regulators.

Action: MS to produce a backlog status report for the March Board meeting.

5. Chair's report

- 5.1 The Chair presented the paper and asked for any questions from the Board.
- 5.2 The Deputy Chair (AT) confirmed that he had carried out the mid-year appraisal of the Chair.
- 5.3 The Chair confirmed that all of the potential new office spaces were in good locations and offered the facilities needed.
- 5.4 The Board asked the Chair to elaborate on the point regarding the National Audit Office's criticism of the oversight arrangements for arms-length bodies. The Chair confirmed that strategies were being developed to provide a more consistent approach to oversight.
- 5.5 The Board **noted** the report.

6. Executive report

- 6.1 The Chief Executive introduced the paper, noting that the hybrid working pilot was suspended in line with government guidelines. An update on the guidelines was expected soon and the Board will be kept up to date.
- 6.2 The fees consultation was on track and going well. The Authority had suggested a small fee increase, but as the number of registrants across all regulators had increased by 3.5% the cost per registrant had slightly decreased. It was expected that the fee invoices could be issued around 1 March 2022.
- 6.3 Safeguarding: It had come to light that not all regulators undertake DBS checks for all their registrants. The issues were being evaluated and the updated risk register will come to the March Board meeting, together with an evaluation on what each regulator was doing. The pilot currently underway for Accredited Registers DBS checks will run until late spring, after which an update will be brought to the Board.

Action: AC to add risk register to the March meeting agenda.

- 6.4 Since the report was drafted, the Authority had one more Section 29 case and decided to join in with a Section 40B case with the GMC.
- 6.5 The appointments seminar had been held the previous week, and had been well attended.
- 6.6 Almost all registrant numbers had been received from the Accredited Registers.
- 6.7 All staff had completed the online information governance training. The Board had been sent the link to the training and was reminded to complete it.
- 6.8 The Finance KPIs were missed off the table but JC confirmed that they were in good shape.

Action: JC to recirculate the Finance KPIs.

- 6.9 The Board requested that a different word should be used instead of patients charter when describing the work done to make patient voices heard, as the term had been used in the NHS in the past and had some negative connotations.
- 6.10 The Board queried the role of the Authority in capturing the patient voice throughout the entire regulation process. It was confirmed that this issue was currently being considered and informal stakeholder meetings had been held around the topic. A meeting with the Patients Association was scheduled for this month. The team felt that a discussion involving the Board would be useful.
- 6.11 The Board requested more information on what the focus was of the work around bias in regulation, as this was a very wide field. The team explained that this was an area that had come out of regulator feedback. There will be decisions made on what part to focus on within the State of Regulation project.
- 6.12 The Board requested that a Board workshop be organised around patient voice.

Action: CB to discuss Board workshop around patient voice with the team.

- 6.13 The Board queried whether there could be a large increase in FtP cases post-pandemic and asked for reassurance that the team were in regular contact with the regulators to better spot early warning signs if that was the case. It was confirmed that it was too early for cases to have progressed through the system where Covid was a factor in misconduct. The team were expecting to start to see these in about six months.

7. Finance report

- 7.1 JC corrected a slight error: In the reserves table (Table 6) – the £32,000 should be in the restricted, not the unrestricted reserves.
- 7.2 The Board asked to acknowledge the work that goes into the recovery of Section 29 fees.
- 7.3 The Board queried whether there were grounds for concern regarding the training underspend. It was confirmed that one reason for this was that no face-to-face training had taken place for so long, and remote group events were a lot cheaper. There will be a lot of upcoming EDI training, some of which will fall within this financial year. There had been several recent requests for leadership and management development training, which will also come out of this budget.

7.4 The Board **noted** the finance report.

8. Committee reports – Nominations Committee

8.1 The Chair introduced the paper.

8.2 The Board was asked to endorse the four Board pay rates outlined in the report, as well as the recruitment of the Associate Board member.

8.3 The Board **approved** these proposals.

9. Board meeting in Scotland

9.1 The Chief Executive introduced the paper, thanking Dinah Godfree and MA for drawing up a list of potential stakeholders to meet around the May Board meeting.

9.2 MA suggested the Clydebank Golden Jubilee Hospital Trust as a venue for the Board meeting.

Action: CB and MA to discuss venues for the meeting.

9.3 The Board **approved** the outlined plan.

10. State of Regulation Report and Event

10.1 The Chief Executive introduced the paper. Work was progressing well on the project which included a report to be published in May, a launch event in Parliament and a one-day conference. The steering group had met the previous day and an up-to-date summary had been shared with the Board by email after this.

10.2 The report will pick up the big issues and challenges of the moment that are expected to carry on over the next decade.

10.3 The Board agreed to send any more detailed thoughts to the team over the next week.

10.4 The Board agreed that the proposed direction of the report and event was right, and requested that one strong emphasis should be on what the Authority specifically will bring to the issues outlined.

10.5 It was confirmed that the print run for the report would be small, only enough to hand out at the event. A more interactive format will be considered for future iterations of the report, but that this was too ambitious for the proposed timetable until May.

10.6 The Board queried whether the rather complex issues that were being proposed for the report were not too ambitious for the time available. It was confirmed that the work and report writing would be split up amongst colleagues with background knowledge and scoped to be focused pieces of work. Using the new project management tools was also helping to run the project tightly.

10.7 The Board agreed that they will be available to contribute to the report as was deemed useful. A Board workshop will be organised. One milestone was mid-February for evidence gathering so this might be a good opportunity for a workshop.

Action: CB to initiate planning of a Board workshop for mid-February.

- 10.8 The Board emphasised that concentrating on the key messages was important. The team agreed that they were aiming to raise awareness and encourage debate and challenge on difficult issues that would inform future work but were aware that one report could not deliver the answers to all of the complex issues it was looking at.
- 10.9 The Board requested to get the dates for the reception and conference into the diaries as quickly as possible.

11. Stakeholder engagement strategy update

- 11.1 The Director of Standards and Policy introduced the paper. The focus on stakeholder engagement had improved considerably in recent times. The stakeholder survey will help to make it more effective. The plan was to run the survey annually from now on.
- 11.2 The Board agreed that the work was coming along well. The Board requested that the evaluation of the impact be share with the Board in due course.
- 11.3 The Board queried whether it was the Communications plan or the Stakeholder Engagement Strategy that needed to be approved by the Board.

Action: CB and JC to check whether the Board needs to approve the Communications Plan or the Stakeholder Engagement Strategy.

- 11.4 The Board **noted** the update.

12. Bridging the Gap Project Plan

- 12.1 The Assistant Director of Standards and Policy introduced the paper. The project was largely being undertaken because of repeated findings that there was a failure to collaborate within the regulatory sector.
- 12.2 Preliminary discussions were underway with regulators and stakeholders on how data was being stored, accessed, and shared. Initial findings included practical and GDPR challenges in sharing data, completeness of data and resource challenges in analysing and compiling data.
- 12.3 The Board was interested to, in three to six months, have an update on the priority areas of the project. The Board was very supportive of this work.
- 12.4 The Board emphasised that the four nations aspect was crucial to consider.
- 12.5 The next update will be brought to the Board once all stakeholder discussions had been concluded, which was aimed to be at the end of the financial year.
- 12.6 The Board **noted** the plan.

13. EDI update

- 13.1 The Director of Scrutiny and Quality introduced the item. The Directors Group was in the process of developing the EDI workplan across teams for the next year, identifying priorities and quick wins.
- 13.2 A more detailed action plan will be brought to the March meeting.

Action: MS and Mehrunnisa to prepare detailed EDI action plan and vision for the March Board meeting.

- 13.3 The EDI adviser was in the process of concluding a large engagement exercise talking to staff and external stakeholders. Questions asked during the process centred around the vision and the Authority's values. An EDI communications plan will be crucial to the success of this work.
- 13.4 The Board expressed its support for the action plans and emphasised that Committee action plans were also needed, with a thought to which Committee would be leading on what area of work. It was agreed that these needed to be well coordinated so that work was not duplicated, and all efforts were geared towards the same goal.
- 13.5 The Board queried why no changes had been made in the area of recruitment and felt that this was an important area to focus on. The EDI adviser confirmed that work on this had started. This work will be apparent in, for example, the People Report which will come to the March Board meeting.

Action: JC and team to update the People Report with an EDI section.

14. Governance and Assurance Frameworks

- 14.1 The Director of Corporate Services introduced the paper. There were no changes to the Assurance Framework, but a number of changes to the Governance Framework had not been reflected in the paper, so a request was made to defer the approval of the Governance Framework until these were circulated to the Board.
- 14.2 The Board requested that the Governance Framework be updated to reflect that remuneration was in the Finance Committee remit.
- 14.3 The Board requested that the Governance Framework refer to Annex D - Schedule of financial delegation.
- 14.4 The Board **agreed** the changes in the timetable and agreed that the Governance Framework will come back to the March Board meeting.

Action: JC to share the updated version with FD before adding it to the March Board agenda.

15. Board work programme

- 15.1 The Chief Executive introduced the paper, updating the Board that this would now become a rolling document with forecasting for the upcoming 12 months.
- 15.2 The devolved administration Board members requested a steer on what format their annual report to the Board should take.

Action: CC and AC to discuss and propose guidelines.

- 15.3 The Board **noted** the work programme.

16. Any other business

- 16.1 There was no other business discussed.

17. Questions from Members of the Public

17.1 There were no questions from observers.

17.2 The Chair thanked the observers for their interest in the Authority.

18. Private session of the Board

18.1 The Board went into the private session of the meeting.

A handwritten signature in black ink that reads "Candice Cowby". The signature is written in a cursive, flowing style.

Signed by Chair

Date 16/03/22

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Action Log

In Progress Overdue Delayed Complete

Mtg. Date	Item No.	Action point	Owner	Date required	Action progress	Status
19 January 2022	1.3	Update the Board Register of Interests.	MH		Complete	Complete
19 January 2022	3.3	Amend the November Board minutes.	MH		Complete	Complete
19 January 2022	4.2	Produce a backlog status report for the March Board meeting.	MS	16 March	Complete	Complete
19 January 2022	6.3	Add risk register to the March meeting agenda.	AC	16 March	Complete	Complete
19 January 2022	6.8	Recirculate the Finance KPIs.	JC		Complete	Complete
19 January 2022	6.12	Policy team to discuss Board workshop around patient voice with the team.	CB			In Progress
19 January 2022	10.7	SoR project team to initiate planning of an SoR Board workshop for mid-February.	CB	Mid-February	Complete	Complete
19 January 2022	11.4	Check whether the Board needs to approve the Communications Plan or the Stakeholder Engagement Strategy.	CB/JC		Complete	Complete

19 January 2022	13.2	Prepare detailed EDI action plan and vision for the March Board meeting.	MS/ML	16 March	Complete	
19 January 2022	13.5	Discuss with the team to update the People Report with an EDI section.	JC	16 March	Complete	
19 January 2022	14.4	Share the updated Governance framework with FD before adding it to the March Board agenda.	JC	16 March	Complete	
19 January 2022	15.2	Discuss and propose guidelines for DA member reports.	CC/AC	2 March	Complete	