

Board meeting
Public minutes of the meeting
20 November 2019



Approved Minutes of the Board meeting, 20 November 2019

Present

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

In Attendance

Christine Braithwaite
John McDermott
Mark Stobbs
Graham Mockler
Marija Hume

Jessica Myint (Secretariat)

Observers:

Silvia Dominici (NMC)
Karen Smith (PSA)
Sarah Lisgo (PSA)
Louise Rigg (PSA)

1. Welcome and Introductions & Declarations of Interest

- 1.1 The Chair opened the meeting at 10:33 am and welcomed everyone to the meeting including members of staff and observers.
- 1.2 Silvia Dominici (NMC), Karen Smith (PSA), Sarah Lisgo (PSA) and Louise Rigg (PSA) attended as observers.
- 1.3 There were no declarations of interests.

2. Apologies

- 2.1 No apologies received.

3. Minutes of meeting held on 18 September 2019

- 3.1 The minutes of the last Board meeting held on 18 September 2019 (Paper 1) were confirmed and approved as a true and correct record with the below amendments:

Item 6.22: "TF highlighted the need for the safeguarding gaps in the Rehabilitation of Offenders Act 1976 and the Safeguarding Vulnerable Groups

Act 2006 to be made clear and to pursue endorsement for changes to be made in Northern Ireland. TF volunteered to represent the Authority and take part in engagement activities in Northern Ireland in relation to the the safeguarding gaps.” to be read as

“TF highlighted the need for the safeguarding gaps in the Rehabilitation of Offenders Act 1976 and the Safeguarding Vulnerable Groups Act 2006 to be made clear and to pursue endorsement *with political leaders and stakeholders* for changes to be made in Northern Ireland. TF volunteered to represent the Authority and take part in engagement activities of Northern Ireland in relation to the the safeguarding gaps.”

4. Matters arising from meeting held on 18 September 2019

- 4.1 **Item 6.11:** The Director of Standards and Policy confirmed that the Authority does engage with the Regulation and Quality Improvement Authority (RQIA) and activities will be incorporated in the Stakeholder Engagement Strategy.

Action: The Director of Standards and Policy to incorporate in the Stakeholder Engagement Strategy the engagements with RQIA and other similar organisations in the four countries.

- 4.2 TF updated that he has met with RQIA in Belfast on 21 October 2019. It has been agreed that materials including information on Accredited Registers Programme will be sent over to RQIA.

Action: The Director of Standards and Policy and Communications Team to assist TF in supplying information to RQIA.

- 4.3 The Chair advised that the relevant Non Executive Board Members should be kept informed of activities being carried out in the four countries.

Action: The Standards and Policy Team to keep relevant Non Executive Board Members informed of activities being carried out in the four countries.

- 4.4 **Item 6.20:** The Director of Standards and Policy reported on the website review and next stage of website development to the Board. It was noted that we will follow up on the recommendations received from the review and plan to make changes to the homepage of the Authority’s website. But other recommendations and updates will be considered before processing.

5. Chair’s report

- 5.1 The Chair updated that on 12 November 2019 he hosted the PSA Collaborative Regulation Symposium held at the Royal Society. The Chair commented on how well the event was attended at Chair and Chief Executive level. He thanked those involved in organising the event. It was noted that the involvement of regulators from other sectors outside of healthcare was useful. It was positive to see how regulators are shifting to work actively in collaboration. The initial feedback received suggested the Authority should play a facilitative role in collaboration. The challenge now will be to identify some tangible actions and results.

6. Executive report

6.1 The Chief Executive highlighted the key areas of the Executive report (Paper 2).

6.2 The Chief Executive has now met the Chief Executives of all ten regulators as part of the PSA Fees Consultation 2019/20 process. We are now in the process of receiving written responses of which five regulators have responded. The consultation period ends today 20 November 2019.

6.3 The discussions at the consultation sessions raised very little on the Business Plan 2019/20 itself but concentrated on the regulators and the Authority working together. The regulators mostly valued our think tank and facilitative role in regulation. The formal responses received from the regulators combined with the Chief Executive's notes will be reviewed to develop a feedback document.

6.4 The results of the consultations will be included in the Authority's fees arrangements for 2020/21, which will be submitted to the Board before sending to Privy Council and Department for Education (DfE) for approval in December 2019.

Action: The Chief Executive to submit the Authority's fees arrangements for 2020/21 to the Board then to the Privy Council and Department for Education (DfE) in December 2019.

6.5 The Director of Scrutiny and Quality reported that there was no major addition to the updates in the Executive report. It was noted that *Jorge/NMC* case has now been settled. We have also referred another NMC related case yesterday (19 November 2019).

6.6 The Director of Standards and Policy reported that there has been a new legislation introduced in Wales to provide further quality in Welsh health and social care. The Health and Social Care (Quality and Engagement) (Wales) Bill aims to improve quality and public engagement in health and social care in Wales. A briefing paper will be prepared for the Board.

Action: The Director of Standards and Policy to provide briefing to the Board on the Health and Social Care (Quality and Engagement) (Wales) Bill.

6.7 The Director of Governance and Operations reported that the Business Continuity Plan (BCP) test is scheduled to be carried out on Friday 13 December 2019, with a mock test scheduled for Friday 22 November 2019. It was also noted that on Friday 6 December 2019 there will be power shutdown at the NAO building in the afternoon, therefore we will be unable to respond immediately to incoming requests.

Note: The Business Continuity Plan test (13 December 2019) has been postponed.

6.8 **Annex A:** The Chief Executive highlighted the Performance against the Business Plan (Paper 2 Annex A).

6.9 The Board reviewed the Performance against the Business Plan (Paper 2 Annex A) and requested for future reports to contain narratives to explain when delays occurred, whether this was due to external factors or to Authority processes.

Action: The Directors Group to incorporate narratives for performance year to date and explanations for any delays in processing or publication.

- 6.10 It was noted that exit interviews are conducted when staff leave the Authority. The information received from the interviews is recorded and will be included in the 'People Report', which will be submitted to the Board in March 2020.
- Action:** The Directors Group to incorporate details of exit interviews in the 'People Report', which will be submitted to the Board in March 2020.
- 6.11 **Annex B:** The Director of Standards and Policy highlighted the report on Accredited Registers (Paper 2 Annex B).
- 6.12 It was noted that Research Works Consultancy have been selected to undertake work to identify the public's perceptions of the Accredited Registers Programme. Work will start with an initial scoping study by conducting consumer focus groups. Following the conclusion of this study, we will consider conducting a larger scale survey. Further funding for the future work, which may come from unrestricted reserves, will also need to be considered (initial scoping study cost is £13,800). It was also suggested that it may be possible to approach the devolved administrations to contribute towards the cost of research.
- 6.13 The Board advised that as the Authority represent all four countries, the larger scale research will need to cover all four countries to be comprehensive. The Board requested that the Accreditation Team obtains the cost of research covering the four countries so that the Board can consider and provide guidance.
- Action:** The Director of Standards and Policy and the Accreditation Team to obtain the cost of public's perceptions of the AR Programme research, covering the four countries and submit to the Board for consideration.
- 6.14 The Board discussed the application for accreditation from the International Federation of Aromatherapists, which is currently under assessment. It was noted that although this is the first register with the word 'international' in its name, it is not the first register with non-UK citizen registrants. The Authority has clear conditions that the Accredited Registers Programme accreditation and the quality mark cannot be used by registrants outside of the UK. The statement of instruction is sent to Accredited Registers as part of our assessment. This statement will be reviewed by the Scrutiny Committee in 2020. The assessment of the application from the International Federation of Aromatherapists will be processed through our normal procedures.
- 6.15 **Action:** The Director of Standards and Policy and the Accreditation Team to submit to the Scrutiny Committee the statement of instructions for Accredited Registers which prevents international practitioners using the quality mark.
- 6.16 It was noted that permission was granted for the Good Thinking Society's application for Judicial Review of the Authority's decision last year to reaccredit the Society of Homeopaths' register. It is unlikely that the Judicial Review will complete before the current re-accreditation application process of the Society of Homeopaths. A hearing date is awaited.
- 6.17 The Board discussed the accreditation process and agreed that the Authority and the Accreditation Team will continue administering applications as our routine work and as per our existing policies until such time when any processes may need to be changed.

- 6.18 **Annex C:** The Assistant Director of Scrutiny and Quality reported on the results of the pilot on the new Standards of Good Regulation, which was conducted from May to September 2019 (Paper 2 Annex C). It was noted that of the 15 Standards piloted across the regulators, seven required further review either because the panel needed further information or because the panel had concerns about the evidence reviewed. It was noted that the pilot was very helpful for the Authority in assessing the performance of the regulators. The regulators reported that although the one-off process of self-assessment was useful for understanding their own position against the Standards, it was resource-intensive.
- 6.19 The Board noted “the Pilot of the new General Standards – Outcome report” (Paper 2 Annex C).

7. Finance report

- 7.1 The Head of Finance reported on the 2019/20 budget position for the six months ending on 30 September 2019. The budget is at surplus of approx. 5%. It was noted that the main variance in administrative costs is due to lower than expected staff costs and S29 direct legal costs, higher than expected recruitment/temp staff costs and S29 database non-capital costs as well as unbudgeted costs associated with chair recruitment and the Board review work. Underspend in communications and conferences is due to budget profiling and is expected to net off by the end of the year. Month 6 forecasting exercise has indicated that the year will be finished with a breakeven position.
- 7.2 Accredited Registers budget underspend is due to internal recharges on regulator audits. Lower than expected communications costs are offset with higher legal costs due to the Judicial Review. The Accredited Registers budget will probably be overspent by approx. £99K due to the cost of processing the the Judicial Review.
- 7.3 It was noted that the underspend in the communications budget is due to the shift of activities not involving third party suppliers. The current underspend will balance off with the cost of commissioning Research Works for the Accredited Registers Programme.
- 7.4 The Board reviewed and noted the Finance report (Paper 3).

8. Audit and Risk Committee Report

- 8.1 The Chair of the Audit and Risk Committee updated that the Committee meeting held on 3 October 2019 (Draft Minutes of the Audit and Risk Committee meeting 3 October 2019 tabled) mainly concentrated on HR matters and the risks associated with it. It was highlighted that the ‘people’ are our main asset and are very important to the Authority. Currently the Board do not have much oversight of HR matters. It is recommended that when the Board receive the People Strategy in 2020, it should decide what role it would like to play and how it will oversee the processing of the strategy and HR matters in general.

Action: The Board to consider what role it would like to play and how it will conduct oversight in implementing the People Strategy and HR matters

- 8.2 The Chair of the Audit and Risk Committee also highlighted that the Board should assess risks afresh starting from a blank sheet without any reference points to ensure all possible areas (both new and existing risks) are covered.

Action: The Chief Executive and Directors Group to schedule an annual risk assessment exercise for the Board starting afresh without any reference points. This will be done at the March Board meeting.

9. Scrutiny Committee Report

- 9.1 The Chair of the Scrutiny Committee provided an update on the Committee meeting held on 17 October 2019 (Draft Minutes of the Scrutiny Committee meeting 17 October 2019 tabled). The Committee discussed the Accredited Registers Programme in terms of when it is appropriate to make recommendations and conditions as part of targeted reviews. It was noted that the Committee will conduct a review of criteria for recommendations and conditions for Accredited Registers in June 2020.

Action: The Accreditation Team to provide a report on review of criteria for recommendations and conditions for Accredited Registers at the 18 June 2020 Scrutiny Committee meeting.

- 9.2 The Scrutiny Committee also discussed performance reviews of Regulators and recommended that if a Regulator repeatedly fails to meet a standard(s), a clear escalation procedure should be available.

Action: Scrutiny & Quality Directorate to propose escalation procedure and template wording to highlight persistent failings of a regulator, to go to the Scrutiny Committee and then to the Board for approval.

- 9.3 The Scrutiny Committee reviewed the dataset and recommended that item 31 of dataset is removed as the standard is no longer relevant. The use of the dataset will be reviewed by the Committee at the 22 October 2020 meeting.

- 9.4 The Scrutiny Committee also considered the review conducted by an external barrister on the S29 Team's initial review process, which suggested that a number of cases were closed earlier than they should have been and that some points may have been missed. The Committee reviewed the barrister's comments but concluded that none of the identified cases would have proceeded to a S29 appeal. The Authority's operations are functioning well and currently no changes are required.

10. Expenses policy updates

- 10.1 The Director of Governance and Operations reported that the Authority's Board and Staff Travel and Expenses policies (Paper 4) have been reviewed with a detailed benchmarking exercise and requested the Board's approval on the below changes:

- Board breakfast allowance increased to £10.00 from £5.00
- Board lunch Allowance increased to £10.00 from £7.50
- Staff breakfast allowance increased to £10.00 from £5.00
- Staff lunch allowance increased to £10.00 from £7.50

- Staff members will be reimbursed for travel costs from the office to meeting location only. Staff who prefer to travel from home will be required to cover the difference between cost in travelling from office to meeting location and travel from home to meeting location.

10.2 The Board approved the recommended changes to be made to the Authority's Board and Staff Travel and Expenses policies (Paper 4).

Action: Governance and Operations Directorate to make the approved changes to the Authority's Board and Staff Travel and Expenses policies. The new policies will come into effect for expenses incurred from 21 November 2020.

11. Stakeholder Engagement Strategy

11.1 The Director of Standards and Policy highlighted the report (Paper 5) and that considerations have been made on developing the Authority's Stakeholders Engagement Strategy which concluded that it would be premature to develop a full strategy without conducting a stakeholder engagement audit and a public perception audit of the Accredited Registers Programme. The Director of Standards and Policy also highlighted on the limitation of resources.

11.2 The Board reviewed the report on the Stakeholders Engagement Strategy (Paper 5) and commented the below:

- The lack of overall plan is concerning as the Board have been asking for an outline strategy for some time; this needs to be addressed
- The internal audit on stakeholder engagement was to conduct a review on the Authority's Stakeholders Engagement Strategy, but as currently the strategy does not formally exist the audit results will be used to shape the strategy. The results of the internal audit on stakeholder engagement to be submitted to the Audit and Risk Committee in January 2020
- It would be very useful to have the full public perception audit of the Accredited Registers Programme completed by the end of March 2020
- The need to use the experience and expertise of Board in the development of the Authority's Stakeholder Engagement Strategy by holding a Workshop in Q4 of 2019/20.

Action: The Director of Standards and Policy to carry out the above Board's recommendations, to draft a Stakeholder Engagement Strategy for discussion at a Board workshop in Q4 2019/20; and to take forward the full public perception audit of the AR Programme.

12. Any other business

12.1 Members of the Board are to receive a copy of the Impact Report which was circulated at the PSA Symposium on 12 November 2019 and to be published on the PSA website in January 2020. Signoff is done by the Chief Executive and the Chair will be consulted before signing off any significant publications. The Board should see all significant publications 48 hours prior to publication.

Action: The Director of Standards and Policy and Communications Team to submit all publications to the Board to be signed off by the Chair 48 hours prior

to the publication date. The Director of Standards and Policy to send Board Members a copy of the Impact Report.

12.2 There was no other business discussed.

13. Questions from observers

13.1 There were no questions from the observers.

14. Conduct of meeting

14.1 Board members confirmed that the meeting was conducted in an open manner and that all members were invited to participate and contribute to discussions.

15. Private session of the Board

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

A handwritten signature in black ink, appearing to be 'C. J. ...', written over a light grey rectangular background.

Signed by Chair

Date 18/03/20

Board meeting

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20 November 2019



Action Log

In Progress Overdue Delayed Complete

Mtg. Date	Item No.	Action point	Owner	Date required	Action progress	Status
20 November 2019	4.1	To incorporate in the Stakeholder Engagement Strategy the engagements with RQIA and other similar organisations in the four countries.	CB	25 March 2020	Action carried over from 18 September 2019	In Progress
20 November 2019	4.2	To assist TF in supplying information to RQIA.	CB	15 January 2020		In Progress
20 November 2019	4.3	To keep relevant Non Executive Board Members informed of activities being carried out in the four countries	CB	On going	On going	Complete
20 November 2019	6.4	To submit the Authority's fees arrangements for 2020/21 to the Board then the Privy Council and Department for Education (DfE) in December 2019.	AC	December 2019	Complete	Complete
20 November 2019	6.6	To provide briefing to the Board on the Health and Social Care (Quality and Engagement) (Wales) Bill.	CB	15 January 2020		In Progress

20 November 2019	6.9	To incorporate narratives for performance year to date and explanations for any delays in processing or publication.	DG	15 January 2020	Complete	
20 November 2019	6.10	To incorporate details of exit interviews in the 'People Report', which will be submitted to the Board in March 2020.	DG	25 March 2020		
20 November 2019	6.13	To obtain the cost of public's perceptions of the AR Programme research, covering the four countries and submit to the Board for consideration.	CB	15 January 2020		
20 November 2019	6.15	To submit to the Scrutiny Committee the statement of instructions for Accredited Registers which prevents international practitioners using the quality mark.	CB	December 2019		
20 November 2019	8.1	To consider what role it would like to play and how it will conduct oversight in implementing the People Strategy and HR matters	Board	15 January 2020		
20 November 2019	8.2	To schedule an annual risk assessment exercise for the Board starting afresh without any reference points	AC/ DG	25 March 2020		
20 November 2019	9.1	To provide a report on review of criteria for recommendations and conditions for Accredited Registers to Scrutiny Committee	The Accreditation Team	18 June 2020		
20 November 2019	9.2	To propose escalation procedure and template wording to highlight persistent failings of a regulator by the Scrutiny Committee to the Board (to go to Scrutiny Committee before coming to the Board)	MS	TBC		

20 November 2019	10.2	To make the approved changes to the Authority's Board and Staff Travel and Expenses policies. The new policies will come into effect for expenses incurred from 1 January 2020	JMD	December 2019	Complete	
20 November 2019	11.4	To carry out the Board's recommendations, to draft a Stakeholder Engagement Strategy for discussion at a Board workshop in Q4 2019/20; and to take forward the full public perception audit of the AR Programme.	CB	25 March 2020		
20 November 2019	12.3	To submit all publications to the Board to be signed off by the Chair 48 hours prior to the publication date. To send Board Members a copy of the Impact Report.	CB	On going December 2019/	Complete	