Board meeting

Public minutes of the meeting

25 November 2020

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Approved Minutes of the Board meeting, 25 November 2020

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

In Attendance
Christine Braithwaite
Mark Stobbs
John Fanning
Graham Mockler
Douglas Bilton
Daisy Blench
Melanie Venables
Roisin Fairfax
Louise Rigg
Marija Hume
Suzanne Dodds
Natasha Wynne
Melanie Hueser (Secretariat)

Observers
Matthew Redford (General Osteopathic Council)
Silvia Dominici (Nursing and Midwifery Council)
Tom Matthews (General Medical Council)
Jonathan Fields (General Medical Council)

1. Welcome and Introductions & Declarations of Interest

1.1 The Chair welcomed everyone to the meeting including members of staff and external observers Matthew Redford (GOsC), Silvia Dominici (NMC), Tom Matthews (GMC) and Jonathan Fields (GMC).

1.2 The Chair declared that he was to become Chair of the Determinations Panel of The Pensions Regulator from April 2021.

1.3 FD has been appointed as an independent member of the House of Commons Audit and Risk Committee.

2. Apologies

2.1 No apologies were received.

3. Minutes of meeting held on 23 September 2020 and matters arising

3.1 The minutes of the last Board meeting held on 23 September 2020 (Paper 1) were accepted as a true and correct record (subject to the changes in 3.2 below) and approved.

3.2 Two errors will be corrected: Item 4.6: "meetings with Baroness Cumberlege, Lord d Prior (Chair of the NHS)" to read "meetings with Baroness Cumberlege, Lord Prior (Chair of the NHS)" and Item 6.3: "The guidance also consider the security risk of holding virtual hearings" to read "The guidance also considered the security risk of holding virtual hearings".

3.3 **Action log, 23 September, Item 7.7:** The Chief Executive confirmed that the internal governance audit was nearly finished and that the Governance and Assurance frameworks were on track to be brought back to the January Board meeting.

3.4 The Board asked for reassurance that the large number of projects and the workload were manageable. The Chief Executive confirmed this and highlighted how the executive kept workload under review.

3.5 The Board confirmed that the two actions currently in progress will remain so, and that the completed actions could be removed from the log.

4. Chair's report

4.1 The Chair was pleased to confirm that MA, TF, ML and FD had been reappointed to the Board.

4.2 The recruitment of the new Chair was well under way and on track to be completed early in the new year.

4.3 The Chair highlighted that the Authority was looking at all of its core activities – the Accredited Registers programme, regulatory reform and the review of the performance review arrangements. He welcomed the work, and that it demonstrated that the Authority continued to ensure its activity remained appropriate and proportionate.

4.4 The Chair expanded on the stakeholder engagement strategy and the work that has been conducted to move the strategy forward. He highlighted the stakeholder interactions which he and the Chief Executive had undertaken, which have all been very positive. He commended the briefings and the preparations that went into those meetings.

5. Executive report (Paper 02)

5.1 The Chief Executive introduced the paper.

5.2 He highlighted that the business planning and fees consultation was closing on 25 November. The interim Director of Corporate Services and the CE would commence work on the responses now, bringing the findings to the Board in December.

5.3 The staff survey also closed on 25 November and a meeting was planned for the next week. A summary report would go to the Board at its January meeting.

5.4   The KPIs were in good shape except for delays relating to the Accredited Registers. These are being addressed and the situation is improving.

5.5   The Director of Scrutiny and Quality mentioned that the Authority won the Dighton case and settled the Franchini case. A substantial number of settlements had occurred over the last year, which was a positive development as it saved the Authority and the registrants money and was a proportionate approach.

5.6   A meeting with the regulators in early December will look at the updated approach to the appointments process.

5.7   The regulators' case backlog as a result of Covid is expected to result in a higher s29 caseload in the second half of 2020/21. The Board asked about the implications for registrants and members of the public from the backlogs. The Director of Scrutiny and Quality said that delays might well lead to disengagement by witnesses which might compromise outcomes. However, the regulators had been prioritising interim orders and there was nothing to suggest that the backlogs posed a danger to public safety.

5.8   The Director of Scrutiny and Quality confirmed that the regulators had applied interim orders where necessary and that there were no additional concerns that the backlogs posed a danger to public safety.

5.9   The Director of Standards and Policy highlighted that the policy team had been very busy with requests from the DHSC, which were being prioritised. She thanked the Director of Scrutiny and Quality for the close work the two teams have been undertaking.

5.10   The work on consistency across the regulators is progressing.

5.11   The Authority's Symposia on 'Regulation Reset' went well, and the next event being organised is the Welsh seminar. The Chair complimented the team on the Symposia, especially the EDI session.

5.12   The Board requested that some work should be done on how the devolved administrations are dealing with the shortages caused by the Covid-19 epidemic. TF volunteered to be involved in the work.

5.13   The Board requested details on how the stakeholder engagement workload was being managed. The Director of Standards and Policy expanded on the focus on meetings the Chair and Chief Executive are having with senior stakeholders and the plans to approach specific groups of stakeholders in the various sectors. Engagement days are being discussed during which the various groups will be invited to share their views on reform.

5.14   The Board asked if patient interest groups were sufficiently engaged, which the Director of Standards and Policy confirmed was the case.

5.15   The Chair welcomed the interim Director of Corporate Services, who introduced himself and gave a brief overview of his background. He fed back from his meetings with the Finance Committee and stated his intentions to support the priorities of the Committee and the Chief Executive during his time with the Authority.

5.16   The interim Director of Corporate Services reassured the Board that the IT issue with Windows 10 will be resolved in the upcoming weeks. He also raised the issue of moving to a cloud-based system which the Authority will consider soon. The issue is already on the agenda for the next Finance Committee.

6.   Performance review consultation (Paper 03)

6.1   The Director of Scrutiny and Quality introduced the paper. The aim was to look at the existing process in response to the regulators' concerns: while there was nothing fundamentally wrong with the process it could be time-consuming and it was likely that improvements could be made.

6.2   The paper identified a number of areas for consideration and options for change.

6.3   The Chair confirmed that the Scrutiny Committee had looked at the questions and supported the approach.

6.4   The Board discussed whether patient groups were underrepresented in the discussion and how they might respond to the consultation. The Director of Scrutiny and Quality and the Assistant Director of Scrutiny and Quality confirmed that they would ensure that patient groups were consulted and would consider whether any questions in the paper might be differently phrased.

6.5   The Board agreed that the paper was an excellent piece of work and approved it for publication. The Chair thanked and congratulated the team.

7.   EDI project (Paper 04)

7.1   The Director of Scrutiny and Quality introduced the paper. The project came about in the wake of the Black Lives Matter movement. The Authority was keen to look at its policies and processes around EDI issues.

7.2   Staff were enthusiastic to make a real difference in the area, and it had been agreed that outside expertise was needed to assist in making the desired changes in both culture and processes.

7.3   A highly experienced consultant had been appointed. He will conduct an audit and develop a roadmap to achieve the Authority's objectives. The project will cover the Authority's internal work, how it oversees the regulators' work and what it should expect of them.

7.4   The Director of Scrutiny and Quality thanked TF for his involvement and enthusiasm with the project group and the Board for its support.

7.5   The Board discussed the responsibility of the Board members and generally individual responsibilities to commit to the changes proposed in this project.

7.6   The Board agreed that good practice should adopted regarding unconscious bias.

7.7   The Board formally welcomed the initiative and agreed that the Board will hear from the working group at each meeting. It agreed that the Authority was behind the curve with the issue and until now had not given it sufficient thought and support.

Action: The work of the EDI group will be a standing Board meeting item.

8.   Finance Report (Paper 05)

8.1   The interim Director of Corporate Services presented the paper. He confirmed that the report format will be changed at the start of the next business year,

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taking into account the recommendations and requests made by the Finance Committee.

8.2   The Accredited Register section does not currently include money still expected from DHSC in December.

8.3   The Board highlighted that on the regulatory side, the Authority might have an underspend, even though the paper showed a current overspend. An explanation was needed, and it will be added to the paper for January.

9.   Committee reports and Terms of Reference (TOR) for approval (Papers 06, 07 and 08)

9.1   The Chair explained that the main changes involved bringing the ToR for the Scrutiny Committee into line with the standard template.

9.2   Board noted the reports and approved the updated ToR.

10.   Risk policy and risk register

10.1   The Chief Executive introduced the paper. The risk policy was created to pull together the Authority's risk management in one place. The Audit and Risk Committee had discussed the paper at its October meeting.

10.2   An EDI risk was added to the risk register.

10.3   Corporate Services will manage the risk policy.

10.4   It was confirmed that point 8.4 could be deleted from the policy.

10.5   The Board confirmed that it was happy with the policy, which now reflected the Authority's work and situation.
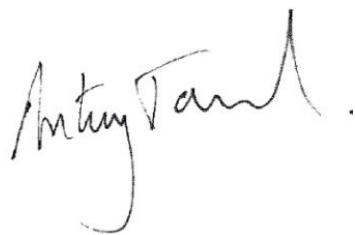
10.6   The Board remarked that the work it undertook regularly was very much focused on the Authority's risks, which was encouraging.

11.   Questions from Members of the Public

11.1   There were no questions from members of the public.

12.   Private session of the Board

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

Signed by Chair   **Date 20/01/21**

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Action Log

In Progress Overdue Delayed Complete

Mtg. Date	Item No.	Action point	Owner	Date required	Action progress	Status
25 March 2020	8.3	Paid events to be investigated as revenue stream.	CB	20 January 2021	To be considered as part of business planning 2021/22; currently trialling free online events	
23 September 2020	7.7	Edit the framework, provide to internal audit and bring the final framework back to the November Board meeting.	AC	25 November 2020	Internal audit took place in November 2020. There were no comments on the Governance Framework. Some minor updates are being added to the Assurance Framework. Both documents will come back to the Board for final approval in March 2020.	
25 November 2020	7.7	The work of the EDI group will be a standing Board meeting item.	MS	20 January 2021		