

Board meeting

Minutes of meeting

19 July 2017

**Minutes of Board meeting, 19 July 2017****Present**

George Jenkins (Chair)
 Harry Cayton (CE)
 Moi Ali
 Frances Done
 Renata Drinkwater
 Tom Frawley
 Antony Townsend
 Marcus Longley

In Attendance

Christine Braithwaite
 John McDermott
 Mark Stobbs
 Louise Rigg (secretariat)
 David Gomez
 Marija Hume
 Dinah Godfree (Item 12)
 Daisy Blench (Item 12)
 Douglas Bilton (Item 12)
 Philip Hallam (Item 16)

1. Welcome and Introductions & Declarations of Interest

- 1.1 The Chair welcomed everyone including the external observers Silvia Dominici from the NMC, Jessie Roff from the GMC and Claire Armstrong from the Department of Health.
- 1.3 There were no new declarations of interest.

2. Apologies

- 2.1 There were no apologies.

3. Minutes of meeting held on 18 May 2017

- 3.1 The minutes were approved as an accurate record and signed by the Chair.

4. Matters arising from meeting held on 18 May 2017

- 4.1 The Director of Operations and Governance confirmed that the Whistleblowing and Fraud policy would be completed in the Autumn as part of the ARC programme.
- 4.2 The Chair confirmed the scheme of delegation would be discussed as part of the agenda.
- 4.3 The Board noted that Nuffield Council on Bioethics had published a report on Cosmetic Practice. The Chief Executive had spoken at the launch and a blog of his speech would be published on their webpage.
- 4.4 The Director of Scrutiny and Quality confirmed the consultation of the revised Standards of Good Regulation had begun.

5. Chair's report

The Chair and Chief Executive had met with the Legal Services Board Acting Chair and Chief Executive. It had been a useful exchange of views.

- 5.1 The Chair had met with the Cabinet Secretary for Health and Sport, Shona Robison MSP in Edinburgh.

6. Executive report

Scrutiny and Quality

- 6.1 The Director of Scrutiny and Quality confirmed there has been an increase in s29 determinations by 5% compared with the same time last year.
- 6.2 The Board members were all in agreement that the s29 training they received from the Scrutiny and Quality team was informative, well-presented and gave them reassurance of the quality of scrutiny being conducted.
- 6.3 Members of the Board wished to receive further relevant training and follow up sessions.
- Action: MS**
- 6.4 The Chief Executive would be in Toronto for four days in early August as a guest of the Royal College of Dental Surgeons of Ontario. While there he would meet officials at the Ministry of health and Long-term Care and colleagues from several regulators.
- 6.5 The Chief Executive will be going to Hong Kong in November to continue work on the establishment of Accredited Registers.
- 6.6 The Director of Standards and Policy confirmed that the consultation on the Standards of Good Regulation will be available to the public.

7. Unconfirmed minutes of the Audit & Risk Committee held on the 8 June

- 7.1 The minutes to be noted by the Board.

8. Unconfirmed minutes of the Scrutiny Committee held on the 15 June

- 8.1 The Chair of the Audit and Risk Committee asked for the minutes to be noted and made some further comments for the Board's attention.
- 8.2 The Board noted that the Scrutiny Committee had a lengthy conversation regarding the Court of Appeal judgement in Doree in which the Authority had been unsuccessful. The Committee had taken the view that it had been essential for the Authority to appeal because the High Court had cast doubt on two important points that had been established in previous case law in respect of powers of panels to amend charges and the status of Indicative Sanctions Guidance. The Court of Appeal had helpfully clarified the position in a way supported the Authority's approach, even though the appeal on the facts of the case had been dismissed. More generally the case highlighted differences of approach between regulators, the Authority and the courts on issues of sexual

misconduct in workplace. The Committee had considered that the Authority should look at this further.

- 8.3 The Chair of the Scrutiny and Quality Committee added that there had been a change in the way the office handles the s40 appeals, to streamline the process and reduce costs – specifically, case meetings would no longer automatically be held for such case. The Committee was also keen that the Authority should work with the regulators in discussing issues arising out of learning points identified in s29 cases.

9. Finance Report

- 9.1 The Head of Finance confirmed to the Board there is £55k overspend against the budget at the end of month two. Main drivers for the current overspend to date are s29 legal costs and recruitment costs.

- 9.10 The Chief Executive confirmed no additional funding has been received in respect of Accredited Registers programme 2017/18 however the Department of Health has agreed the use of restricted reserves to subsidise this programme.

10. Audit Committee annual report to the Authority

- 10.1 The Chair of the Audit and Risk Committee stated the paper was for the assurance of the Board only but asked for two points to be noted.
- 10.2 The report would run from 1 April to 31 March to align with the Annual Report and the Whistleblowing and Fraud policy are to be rewritten for October 2017.

Action: JMD

11. Timetable for business plan and fees consultation 2018/19

- 11.1 The Director of Governance and Operation provided a timeline for the draft papers to be brought to the Board in September. For the benefit of new Board members, a timetable was provided in advance.
- 11.2 The Chair of the Audit and Risk Committee requested the objectives from the Board away day. The Chief Executive agreed to forward what agreed at the May meeting.

Action: HC

12. Right-touch Reform

- 12.1 The Assistant Director of Standards and Policy presented a summary of the draft paper which intends to influence the future direction of policy development and regulatory improvement.
- 12.2 The paper covers four main areas; the role of regulators in prevention of harm; the future of fitness to practise; professional regulators' role in education and training; and modernising registers. As well as making proposals for future development and improvement, both incremental and more radical, the paper

presented a very detailed summary and analysis of current arrangements in these areas, to support future discussions with stakeholders.

- 12.3 The Board members gave feedback to the policy team who will reflect on the comments given and will rework some of the paper. A confidential draft will be shared with the regulators before publication and a final version brought to the Board at its next meeting.
- 12.4 The Chief Executive thanked the Policy team for their hard work and effort in putting the report together.

Action: Standards and Policy team

13. Secure communication of Board and Committee papers

- 13.1 The Board noted the paper and were invited to give their comments to the Director of Governance and Operations.
- 13.2 The Board in principal were in favour of moving to electronic papers and use of Authority email accounts if the accessibility concerns could be addressed.

Action: JMD

14. Governance Framework

- 14.1 The Director of Governance and Operation confirmed that at the Audit and Risk Committee meetings in May and June, members agreed it would be helpful to clarify the Authority's governance arrangements within a formal document.
- 14.2 The Board considered and approved the framework once comments had been incorporated.

Action: JMD

15. Update on Accredited Registers

- 15.1 The Board noted that the accreditation team had reviewed responses to the consultation on changes to the accreditation renewal process and would be implementing a revised process in the autumn, having taken into account the feedback received.
- 15.2 The Board noted the Authority had been working with the Royal Society for Public Health and Philip Dunne's MP, Minister of State for Health, had been invited to launch the joint report. A date had yet to be agreed.

Action: CB

16. Update on Performance Review 2017

- 16.1 The Assistant Director of Scrutiny and Quality (Performance) gave feedback to the Board that the new process has been positively received to date. The Chair said that he had received similar positive comments from the chairs of various Regulators. The Regulators have found the overall system is rigorous yet more

proportionate due to the targeted questions. The team will continue to work on what data we collect, ensuring is this useful to the Authority and the public.

17. Any other business

17.1 There was no other business to report.

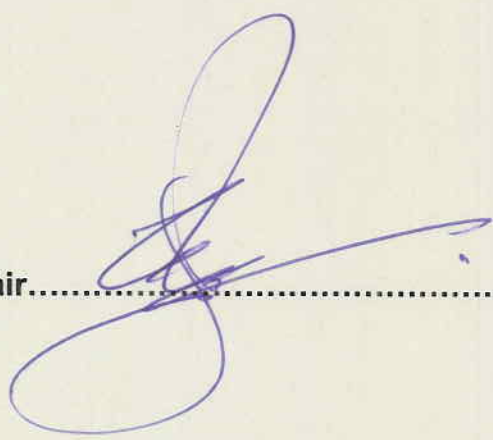
18. Questions from observers

18.1 There were no members of the public or observers.

19. Private session of the Board

19.1 The Board went into the private session of the meeting

Signed by Chair..... Date..... 20/09/2017

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right, positioned over the signature line.

