

Board meeting

Public minutes of the meeting

21 November 2018

**Unapproved Minutes of the Board meeting, 21 November 2018****Present**

George Jenkins (Chair)
 Alan Clamp (Chief Executive)
 Moi Ali
 Marcus Longley
 Antony Townsend
 Frances Done
 Renata Drinkwater
 Tom Frawley

In Attendance

Christine Braithwaite
 John McDermott
 Mark Stobbs
 Graham Mockler
 Daisy Blench
 Marija Hume
 Dan Scott
 Louise Rigg (Secretariat)

1. Welcome and Introductions & Declarations of Interest

1.1 The Chair welcomed everyone including the observers.

2. Apologies

2.1 There were no apologies for absence.

3. Minutes of meeting held on 19 September 2018

3.1 The Board approved the minutes as an accurate record.

4. Matters arising from meeting held on 19 September 2018

4.1 The Chair confirmed there was one matter arising from the last meeting which was in relation to communications between the Authority and the General Medical Council (GMC). This is following Eleanor O'Connor's attendance at the September 2018 Board meeting on behalf of her sister-in-law Kathleen Burton, in relation to the handling of her complaint to the GMC, following the death of her husband.

4.2 The Chief Executive reported that Kathleen Burton had informed the Authority she is not satisfied with the response received from the GMC to date and while the Authority will not be involved with an individual's complaint such as this, it will look at the approach to complaints made to the GMC as part of its performance review.

4.3 A member of the Board suggested the family may wish to consider contacting the Parliamentary and Health Service Ombudsman if they had not done so already. Another Board member reported that this would not address the current criticisms being made and although it may be additional route, it was not an alternative.

- 4.4 Board members agreed that although it was not up to the Authority to investigate an individual's complaint, much more could be done in the way the complaint was handled, drawing particular attention to the parts of the letter from the Chief Executive of the GMC which gave no supporting detail.
- 4.5 **Action:** The Chief Executive confirmed the Authority will look at the processes for handling complaints at the GMC as part of the performance review and will use this case or the elements of this case to assist the process.
- 4.6 **Action:** The Director of Scrutiny and Quality will contact Kathleen Burton to clarify how the Authority will be addressing the concerns.
- 4.7 **Action:** The Chair reported that he will take up the issue of complaints handling with the new Chair of the GMC, as this has been an issue brought to the Authority's attention at Board level.

5. Chair's report

- 5.1 The Chair reported that meetings continue with Chairs of the regulators and conversations have focused on the current topical issues they are facing. The Chair proposed that it was the responsibility of the Authority to continue its work as 'thought leaders' by facilitating discussion on how regulators keep public protection at the forefront on their minds in the fast-paced and ever-changing world of service and technology delivery.
- 5.2 **Action:** The Authority will use its early 2019 symposiums to facilitate debate and be proactive in this area while ensuring it makes connections with those who are already doing work in this area.
- 5.3 The Chair informed the Board that he had asked the Chief Executive to use his early months to reflect on where the Authority is as an organisation and use his wider knowledge of regulation to consider what the strategy of the Authority will be going forward, including relationships with the current regulators, DHSC and Social Work England (SWE).
- 5.4 **Action:** The Chief Executive will report his initial findings at the January or March Board meeting. This will inform the May strategy event. The business plans will follow on from this in the usual way.

6. Executive report

- 6.1 The Chief Executive reported that there had been a recent ICT issue, of which the Board were aware, which affected external emails for 1.5 days in the week prior to the meeting. A Board member reported that the delay in papers had impacted their ability to review everything in advance of the meeting and encouraged the Authority to look at what contingency plans were in place when Board papers could not be sent out to minimise disruption.
- 6.2 **Action:** A full detailed review of the ICT incident would be taking place, led by the Director of Governance and Operations.
- 6.3 **Action:** Work around security/information assurance would be tabled for the Audit and Risk Committee meeting in January 2018.
- 6.4 **Action:** The Authority would look at contingency plans for getting papers delivered in the event there are ICT issues.

- 6.5 The Chief Executive reported on the plans for regulatory reform. The primary concern for the Authority is the work taking place around SWE and that it is possible the regulator could be established and actively pursuing its work using consensual disposal before the Authority has the appropriate oversight powers. The Authority has been in touch with Ministers to say this poses a threat to patient safety if not addressed.
- 6.6 **Action:** The Chair has written to the recently appointed Minister of State in the Department of Health and Social Care, Stephen Hammond MP and will follow up on these points at a future meeting with him.
- 6.7 The Chief Executive reported that the Authority is considering a commission relating to the recommendations from the Williams Review.
- 6.8 **Action:** A follow up meeting between the Authority, SWE and HCPC will take place in January 2019 to be arranged by the secretariat.
- 6.9 The Director of Scrutiny and Quality reported that under section 29, the Authority has a new case under appeal involving the GMC. A case meeting is taking place on Friday 23 November on a Northern Ireland case.
- 6.10 The Director of Standards and Policy reported that under devolved administrations engagement, Board member Marcus Longley chaired a meeting on the Duty of Candour in Wales which was well attended.
- 6.11 The Director of Standards and Policy recently gave evidence at the Paterson inquiry held privately in front of the panel. The inquiry is ongoing.
- 6.12 The Director of Governance and Operations reported that a positive month six finance meeting with Directors had taken place.
- 6.13 The Chief Executive reported that he, the Chair and Moi Ali (MA) attended the Scottish Regulatory Conference in November. The following day the Chief Executive and the Chair met with Jeane Freeman MSP, Scotland Cabinet Secretary, who was complimentary about the work of the Authority. The Authority plans to hold an event in Scotland during May 2019 to develop the positive relationships being made there, which will include invitations to senior members of the judiciary, so they can find out more about our work. Board member Moi Ali volunteered to assist.

7. Finance report

- 7.1 The Head of Finance reported that a detailed forecasting exercise at month six indicated that year end will finish with circa £55k underspend.
- 7.2 The Board were content with the paper.

8. Unapproved minutes of the Audit and Risk Committee meeting, October 2018

- 8.1 The Chair of the Audit and Risk Committee reported that a discussion had taken place on the core financial controls with a few detailed recommendations about the need for a review on certain processes for assurance around the banking signatories, treasury management policy and scheme of delegation.

- 8.2 The Chair reminded the Board members that it had decided to wait for the new Chief Executive to start before a full review around commission work could take place.
- 8.3 **Action:** Paper and discussion on commissions would be scheduled for January 2019.
- 8.4 The Board noted the paper.

9. Update of the Scrutiny Committee meeting, October 2018

- 9.1 The Chair of the Scrutiny Committee reported that the main topic of discussion at the last meeting was on the Authority's learning following the NMC Lessons Learned Review which is a separate paper covered later in the meeting.
- 9.2 The Committee looked at guidance processes to the regulators' councils and further work by the Authority would be taking place.
- 9.3 The Committee reviewed the changes to the Standards of Good Regulation and approved the paper coming to the Board meeting.
- 9.4 Renata Drinkwater had attended an Accredited Registers review meeting and the remaining Committee members would attend future dates as and when they were scheduled by the Accreditation Team.
- 9.5 **Action:** The Accreditation Team would circulate dates to Board members, so they could have the opportunity to observe the process of review meetings.

10 and 11. Business Plan 2019/20 and Fees Consultation 2019/18

- 10.1 The Director of Governance and Operations reminded the Board they had provisionally approved the plan at the September Board meeting. There has been one change which was the loss of £81.5k sub-tenant income, due to the NHS Leadership Academy leaving the NAO address.
- 10.2 The Board suggested that the fee consultation should be reviewed first, to consider the responses to the consultation, which would in turn inform the business plan.
- 10.3 The Board reviewed each question and regulators response of the fee consultation 2018/19. The business plan was approved.
- 10.4 **Action:** The Director of Governance and Operations would make the formal fees submission to the Privy Council.

12. NMC Lesson Learned Review, Gosport and Bawa-Garba: Lessons for the Authority

- 12.1 The Director of Scrutiny and Quality spoke to the paper and the Board discussed whether there were lessons the Authority could learn. The Board had received a report on issues arising from the NMC Review, and the cases of Barton and Bawa-Garba.
- 12.2 The Board were content with the analysis given and believe the Authority reacted appropriately at the given times. In addition to this, the Board were content that the processes which are in place today are sufficiently robust and include a risk assessment tool. Where applicable, the Authority could conduct

its own special investigation. Nonetheless, the lessons learned will be considered when reviewing the processes underpinning the new Standards, particularly in relation to governance and the experience of complainants.

13. Standards of Good Regulation

- 13.1 The Board considered the latest iteration which set out a full review including proposals following the outcome of the consultation on the revised Standards of Good Regulation. The Director of Scrutiny and Quality reported that there appeared to be general agreement from the regulators that the Standards covered the appropriate matters and there appeared to be few concerns.
- 13.2 The Board approved the paper.

14. Update on Accredited Registers

- 14.1 The Director of Standards and Policy thanked the Head of Accreditation for his hard work and wished him well as he takes up his new position of Assistant Director of Scrutiny and Quality (Performance).
- 14.2 Following the Authority's research with the National Association for Patient Participation (NAPP), Research Works have been commissioned to undertake market research on the programme with service users of GPs. This will help to further inform the communications strategy to ensure the Authority is focusing its efforts on approaches that will resonate with target stakeholders.
- 14.3 The Head of Accreditation appeared on Radio Foyle alongside Save Face and Board member Tom Frawley to discuss the programme. With the assistance of Board member Moi Ali, the Authority is approaching NHS Education for Scotland to set up discussions to outline the programme and seek support.
- 14.4 The Authority is consolidating its recent trip to Wales with follow up meetings and work to disseminate information about the Accredited Registers programme with the Board of Community Health Councils and Health Education and Improvement Wales.
- 14.5 Further information has been provided to DHSC, to help them draft the Ministerial Submission for ongoing funding for 2019-20 onwards.

15. Accounting Officer Appointment

- 15.1 The Board formally proposed the appointment of the Chief Executive as Accounting Officer of the Authority. The position was accepted.

16. Any other business

- 16.1 The Board noted the Board and Committee dates and locations for 2019.

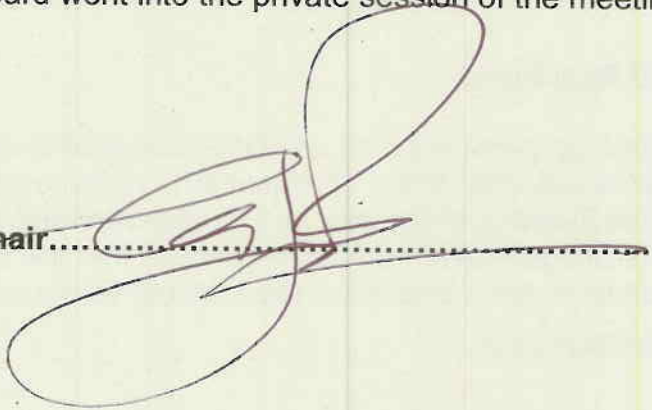
17. Questions from observers

- 17.1 There were no questions from the observers.

18. Private session of the Board

The Board went into the private session of the meeting.

Signed by Chair.....

A large, stylized handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Date 16 Jan 2019.....