

## Board meeting

Public minutes of the meeting

16 January 2019



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### Minutes of the Board meeting, 16 January 2019

#### 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  
Marija Hume  
Roisin Fairfax  
Siobhan Carson  
Colette Higham  
Louise Rigg  
Jessica Myint (Secretariat)

#### 1. Welcome and Introductions & Declarations of Interest

- 1.1 The Chair welcomed everyone to the meeting including members of staff and observers.
2. Silvia Dominici (Performance Reporting Manager from the Nursing and Midwifery Council) and Mark Bishop (member of the public) attended as observers.
  - 2.1 There were no new declarations of interests.
  - 2.2 It was noted that Louise Rigg will commence maternity leave on 31 January 2019. During her absence Jessica Myint will cover her position as Secretariat. The Chair and Board wished to note their thanks for Louise's continual hard work at the Authority and wish her and her family well, as well as welcoming Jessica to her interim post.

#### 3. Apologies

- 3.1 There were no apologies for absence.

#### 4. Minutes of meeting held on 21 November 2018

- 4.1 The minutes of the last Board meeting held on 21 November 2018 (Paper 1) were confirmed and approved as true and correct records with the below correction:

##### Item 6.13

"The Chief Executive reported that he and the Chair had attended the Scottish Regulatory Conference in November and the following day met with Jeane

Freeman MSP, Scotland Cabinet Secretary, who was complimentary about the work of the Authority.” to be read as

“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.”

- 4.2 The Board noted that all action points from the 21 November 2018 Board meeting were completed or being addressed.

## 5. Matters arising from meeting held on 21 November 2018

- 5.1 The Chief Executive informed the Board that the Authority is reviewing the complaints handling process of the General Medical Council (GMC) as part of the performance review and will use the issues raised by Kathleen Burton to inform the review. (Action Point 4.5 of the 21 November 2018 meeting minutes).

**Action:** Ongoing - The Director of Scrutiny and Quality to continue to conduct the complaints handling process review as part of GMC's annual performance review.

- 5.2 The Director of Scrutiny and Quality reported that he had contacted Kathleen Burton to clarify how the Authority will be addressing the concerns. It was noted that Ms. Burton understood the Authority's position but still had concerns about the GMC and is corresponding with the GMC directly while copying in the Authority. Ms. Burton has also been made aware that the Authority will be looking into the GMC's complaints handling process and the Authority aims to publish the GMC performance review in the spring. (Action Point 4.6 of the 21 November 2018 meeting minutes).

- 5.3 The Chair informed that he is scheduled to meet the new Chair of the GMC next week, where he will raise the issue of complaints handling. (Action Point 4.7 of the 21 November 2018 meeting minutes).

**Action:** Ongoing – The Chair to raise the issue of complaints handling with GMC's Chair

- 5.4 The Chief Executive confirmed he will provide his initial views and findings on where the Authority is as an organisation and what the strategy of the Authority will be in going forward, as part of the first draft of strategic plan 2019 - 2022 at the Board's meeting in March 2019. (Action Point 5.4 of the 21 November 2018 meeting minutes)

**Action:** Ongoing – The Chief Executive to present draft strategic plan 2019 - 2022

- 5.5 The Director of Governance and Operations reported that a full detailed review of the ICT incident had been conducted and that a formal report would be made to the Audit and Risk Committee on 24 January 2019 (Action Point 6.2 of the 21<sup>st</sup> November 2018 meeting minutes)

- 5.6 It was noted that work on security/information assurance would also be discussed at the next Audit and Risk Committee meeting on 24 January 2019. (Action Point 6.3 of the 21 November 2018 meeting minutes)



- 5.7 The Authority will continue to use postal services for delivering Board papers in the event there are ICT issues. (Action Point 6.4 of the 21 November 2018 meeting minutes)
- 5.8 The Chief Executive updated that he and the Chair are scheduled to meet with the Minister of State in the Department of Health and Social Care, Stephen Hammond MP on 30 January 2019. They will raise the Authority's concerns on the possibility of Social Work England (SWE) actively pursuing its work using consensual disposal before the Authority has the appropriate oversight powers, as it may pose a threat to patient safety. (Action Point 6.6 of the 21 November 2018 meeting minutes).

**Action:** The Chair and Chief Executive to meet with Stephen Hammond MP

- 5.9 It was noted that a follow up meeting between the Authority, SWE and HCPC has taken place on 15 January 2019. (Action Point 6.8 of the 21 November 2018 meeting minutes).

## **6. Chair's report**

- 6.1 The Chair announced that Board members Antony Townsend and Renata Drinkwater had been reappointed for a further four years term and congratulated them on their appointments commencing from January 2019.
- 6.2 The Chair updated the Board that no major changes has occurred during the Christmas period. The Chair attended and represented the Authority at various official and departmental holiday events. The Chair noted that feedback and perception of the Authority is growing in a positive way. Many interests were raised on the new Chief Executive and any change of directions that the Authority may make in the future.
- 6.3 The Chair highlighted the Authority's role to oversee the transfer of the work on social work regulation from Health and Care Professions Council (HCPC) to the new regulator Social Work England (SWE). The Authority had a meeting with both organisations earlier this week. There will be a follow up monitoring meeting in March 2019.
- 6.4 The Chair also informed the Board that the Infrastructure and Projects Authority (IPA), which looks at risks in government organisations has also produced a positive report on SWE and will do its final review in May 2019.

## **7. Executive report**

- 7.1 The Chief Executive highlighted the key areas of the Executive report. It was noted that he continued to actively engage in external affairs and liaisons with the regulators.
- 7.2 The Chief Executive also updated the Board on the developments of the draft strategic plan 2019-2022. He will be discussing the draft outline plan with the Chair, then the Directors by the end of January and with the staff being consulted in February / March 2019. A first draft will be submitted to the Board at March Board meeting with the final draft aimed for May 2019.
- 7.3 The Chief Executive reported to the Board that he would be attending Council meetings of all the Regulators in the coming few months.



- 7.4 The Director of Scrutiny and Quality reported that following the recent case where the GMC had registered a doctor with fake qualifications, the Authority has written to all the regulators to enquire if the incident had raised any concerns about their own processes and, if so, whether they are taking action to address the issue. Replies had been received. Some of the larger regulators were reviewing their records. Other regulators, particularly smaller one did not have similar routes to qualification or had so few overseas registrants that they could be satisfied that the risk did not arise.
- 7.5 The Authority also wrote to the regulators to enquire if they have any concerns about a “No Deal Brexit” and what are their preparations for it. Replies from all the regulators are expected by end of the week.
- 7.6 It was noted that an additional Section 29 case has been referred recently.
- 7.7 The Director of Standards and Policy reported that the Authority has written to the regulators to give notice on the four Fitness to Practice (FtP) projects that are being processed. Two of the projects are commissioned by the Department of Health and Social Care (DHSC) as part of the Williams Report recommendations and the remaining two internal projects are part of the Authority’s evidence building and better regulation work.
- 7.8 The Director of Governance and Operations reported that the Authority has made the formal submission to the Privy Council on fees.
- 7.9 The Board discussed the details of the Executive Report and the following actions were noted:
- To avoid any possible gaps in the strategic plan it was suggested that programmes for 2019/20 are covered and included. To include a regular monitoring programme was also highlighted. It was noted that the strategic plan is linked to the business plan, hence will overlap to cover all periods. It was also noted that the timing to produce the business plan and strategic plan are dictated by the dates which the Authority has to submit to Privy Council for budget approval.  
**Action:** The Chief Executive to ensure that the draft strategic plan will incorporate projects for 2019/20 and a monitoring process including a reporting procedure to the Board.
  - The Board raised a query on the Authority’s research programmes, specifically how the topics and areas of research are chosen to be processed as detailed understanding will aid the Board in taking ownership and support.  
**Action:** The Director of Standards and Policy to present the Authority’s Research Plan to the Board at March 2019 meeting.

## 8. Finance report

- 8.1 The Head of Finance reported on the highlights of the Finance report. It was noted that although larger spending than usual has been made, the budget status is still in underspend. The minor variances and other differences have been counterbalanced by lower than expected Section 29 recoveries. It was noted at the Director’s Group meeting that if the trends continue the Authority will have underspent at the end of the business year.

8.2 The Head of Finance highlighted that the main difference between this report and the previous Finance report is the £81K income from Ministry of Health (Victoria), which was previously deferred in accordance with new IFRS15, has now been returned back to income, as it is confirmed that all the project's deliverables were completed at the end of 2018.

8.3 The Board approved the Finance report with the below corrections.

Item 2, Table 2:

"Total funding requested" (2018/19 Actual - £'000) - "1,959" should be read as "2,655".

## 9. International Commissions

9.1 The Chair introduced the topic of Intentional Commissions by recapping that the Authority has accepted a number of internationally commissioned work since 2010. However, accepting new commissioned work has been temporarily deferred until the new Chief Executive was appointed to ensure a productive way forward.

9.2 The Chief Executive highlighted the comparisons on the threats and opportunities of taking on international commissioned work.

9.6 The Board was requested to consider the paper and give guidance on the managing approach including review and monitoring of the international commissions. The Board provided the below feedback:

- To review established processes of other similar organizations in taking part in bids for new work.
- To manage the financial risks with international commissions where payments are made in foreign currency".
- To incorporate "International Commissions" as a separate session in the Executive report
- To document qualitative and quantitative benefits of international commission work as part of review and monitoring the work the Authority

9.7 The Board approved the proposed approach to international commissions stated in Paper 3.

**Action:** The Authority to continue with processing relevant and suitable international commissions in accordance with the approved procedures.

**Action:** The Board to receive updates on international commissions in a separate session of the Executive report.

**Action:** Renata Drinkwater would share established processes of other organisations.

## 10. Update on Accredited Register

10.1 The Director of Standards and Policy updated the Board on the Accredited Registers programme.

10.2 It was noted that a review was conducted on the principles that underpinned the formation of the Accredited Registers programme, which resulted in



confirmation that the principles still stand well. The review also considered ethical issues under the Equality Act especially in relations to practice of CEASE therapy.

- 10.3 Research carried out with the National Association for Patient Participation (NAPP) has been completed and the results are being considering for application to the programme including the communications strategy with stakeholders.
- 10.4 It was also highlighted that Accredited Registers are not included in the Safeguarding Vulnerable Groups Act nor in the Rehabilitation of Offenders Act, which presents an ongoing risk to the public. The Authority will continue to raise this matter with the DHSC.
- 10.5 An update on applications for assessment for initial accreditation and annual reviews were also noted.
- 10.6 The Board discussed the details of the Accredited Registers programme and below were noted:
- The Chair to raise the need for Accredited Registers to be included in the Safeguarding Vulnerable Groups Act and the Rehabilitation of Offenders Act with the Minister of State in the Department of Health and Social Care, Stephen Hammond MP at the next meeting on 30 January 2019  
**Action:** Chair to raise Accredited Registers with Stephen Hammond MP
  - The Authority is mindful that there is a concern that accreditation of a register (especially in areas of adjunctive and alternative therapies and homeopathy) might be misconstrued as meaning that we had approved the therapies practiced by its registrants. It was noted that the Accredited Registers programme accredits registers against its Standards, not the therapies practised. The Authority publishes clear statements at regular intervals that accreditation does not imply efficacy.  
The Authority will continue to observe the principles underpinning the programme  
**Action:** The Director of Standards and Policy to regularly monitor Accredited Registers programme.
  - The Board noted that public awareness of the programme needs to be raised and that a small study has been carried out by the National Association for Patient Participation (NAPP) to test awareness  
**Action:** The Director of Standards and Policy to report on public views and awareness from the research with NAPP

## 11. Any other business

- 11.1 There was no other business discussed.

## 12. Questions from observers

- 12.1 Mr. Mark Bishop, attending member of the public explained his reason for attendance. Mr. Bishop was interested in the work of the Authority especially in the areas of the work relating to the General Dental Council (GDC).

12.2 The Board thanked Mr. Bishop for attending and explained that the Authority did not handle individual complaints. The Board highlighted the Authority's remit and core work, which is to protect the public by improving the regulation and registration of people who work in health and care.

The Authority carries this out through its work of:

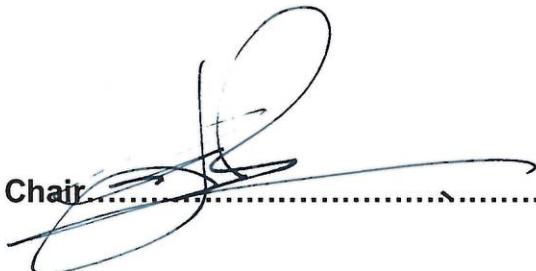
- Conducting Annual Reviews of all areas of work of the regulators of health and care professionals
- Accrediting organisations that register health and care practitioners in unregulated occupations
- Giving policy advice to Ministers and others and encouraging research to improve regulation.

12.3 It was noted that all the Annual Reviews of the performance of the regulators we oversee along with 24 standards for regulators and accredited registers are all publicly available through publication on our website.

12.4 There were no other questions from the observers.

### 13. Private session of the Board

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

Signed by Chair  ..... Date 20 March 2019

