

Board meeting

Minutes of meeting

20 January 2016



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Present

George Jenkins (Chair)
Harry Cayton (CE)
Renata Drinkwater
Ian Hamer
Andrew Hind
Antony Townsend
Jayne Scott
Stuart MacDonell

In Attendance

Linda Allan
Christine Braithwaite
Rosalyn Hayles
Philip Hallam (items 1 – 16)
Elizabeth Taheri (items 1 -16)
Majida Serroukh (secretariat)

Observers

Rick Borges, Accreditation Manager
Dinah Godfree, Senior Policy Adviser,
Remi Gberbo, Lawyer,
Nyenyezi (Nez) Siameja, Team Co-ordinator,
Daisy Blench, Policy Adviser
Silvia Dominici, Performance Reporting Manager,
NMC
Nicky Wood, Lay member, HCPC Council

1. Welcome and Introductions & Declarations of Interest

- 1.1 George Jenkins introduced himself as the new Chair of the Professional Standards Authority and welcomed everyone to the meeting.
- 1.2 The Chair paid his compliments to the former Chair, Baroness Jill Pitkeathley, and thanked both her and the Board for all their hard work and achievements to date, and expressed a desire to continue and develop the good work being carried out by the Authority.

2. Apologies

- 2.1 There were no apologies for the meeting.

3. Minutes of meeting held on 18 November 2015

- 3.1 The minutes were approved as an accurate record of the meeting.

4. Matters arising from meeting held on 18 November 2015

- 4.1 There were no matters arising not otherwise on the agenda.

5. Chair's report

- 5.1 The Chair has written to the chairs of the regulators asking to meet with them for an early introductory meeting. Seven of the nine regulators have replied and meetings will be set up. The Chair will provide an update at the next Board meeting.

6. Chief Executive's report

- 6.1 The Chief Executive informed the Board that the Clerk of the Health Select Committee has asked for a meeting to discuss which regulators the Select Committee should prioritise in its next round of accountability hearings, a meeting has been set for 8 February 2016.

Legislative reforms

- 6.2 Para 3.1 – Ben Gummer MP has announced that a consultation on legislative reforms based to a large extent on Rethinking Regulation will be launched. The Department of Health (DH) will be meeting with the Authority and the regulators and based on this a white paper will emerge with the intention of launching a further consultation in the autumn of 2016.

Meeting and Events

- 6.3 Stephen Dorrell, chair of the NHS confederation, has confirmed that he will be the keynote speaker at the Authority's Annual Symposium taking place on 12 February 2016.
- 6.4 Arrangements for our Annual Academic Conference, taking place on 11 March 2016 which we are jointly holding with St Catherine's College, Oxford are progressing well. We have had significant international interest in the event.
- 6.5 We will be holding a seminar in Glasgow on 23 March 2016. This will be our first seminar of this type in Scotland and will be a discussion event similar to our Academic Conference. Our intention is to listen to our stakeholders in Scotland and hear about the matters that are relevant to Scotland.

International Activity

- 6.6 Members of staff have carried out the performance review of the College of Registered Nurses of British Columbia (CRNBC) and are now in the process of writing up the report, with the intention of sending the draft report to CRNBC by the end of January 2016.
- 6.7 The program review of the Ontario Personal Support Workers Registry was submitted on 8 January 2016 (ahead of the deadline). It was an excellent piece of work, and the Chief Executive wanted to put on record his thanks to Rick Borges, Accreditation Manager and Dinah Godfree, Senior Policy Adviser for their hard work. Further discussion will follow in the private session of the meeting as the report has not yet been published by the Ontario Ministry.

7. Finance Report

- 7.1 The finance report for the eight months ended on 30 November 2015 and was presented to the Board.

- 7.2 The underspend is down slightly. The drivers for the year-to-date are underspend in payroll costs due to slippage in implementation of the business plan, and the number of section 29 cases being lower than budgeted for.
- 7.3 This was our first period under the new fee regime, and all regulators have paid and within the deadline.
- 7.4 The Director of Governance and Operations explained that we have amended how we calculate the expected numbers of section 29 cases we expect to receive and how that impacts on expected income arising from recovery of the case costs. We now take an average number of cases over three years rather than looking at year in year numbers.

8. Fee Consultation update

- 8.1 We have now received responses from all of the regulators regarding our fee consultation, and the Director of Governance and Operations will be working through the regulators responses.
- 8.2 We have also had comments from the Department of Health, and have been asked to provide a breakdown of our operating income. We will work with colleagues to provide information where possible.
- 8.3 The Director of Governance and Operations confirmed that the Leadership Academy will continue to rent space in our office, any income to be received through rent will be included in the amended income calculations, reducing our overall budget.

9. Accredited Registers update

- 9.1 The Board were notified that since the last Board meeting we have received a notification of intent to submit a judicial review application in relation to our decision to renew accreditation of the Society of Homeopaths' register in October 2015. We addressed all the points raised in the pre-action letter and have since had a response to confirm that they will not be pursuing the matter through the Courts any further but have raised a few additional questions which the Authority will respond to.
- 9.2 Since the last Board meeting in November 2015 we have renewed accreditation of four registers. We suspended the accreditation of a register at their annual review, this has recently been reviewed and a decision has been made, although the decision taken is not yet in the public domain. We terminated another application as it did not meet our Standard One.
- 9.3 The Department for Work and Pensions has written to the Authority to ask for a meeting to discuss accreditation of trainers for assistive dogs.
- 9.4 A query was raised about whether any lessons had been learnt regarding resubmissions from registers, and more specifically whether there have been any emerging trends. It was confirmed that most of the registers have continued to meet the standards and that we are seeing an overall improvement and commitment to achieve best practice amongst the registers.
- 9.5 We have also seen a few of the registers showing a desire to move to a fitness to practise model for dealing with complaints or concerns. At the Authority we

feel this moves away from a right-touch approach. We are arranging a seminar with the registers to discuss this matter.

- 9.6 Para 3.1 – we are carrying out work with the Royal Society of Public Health on a project to assess whether or not a wider workforce covered by the Accredited Registers programme could be commissioned to monitor and improve the public's health. The Director of Standards and Policy explained that we will report on the findings of this pilot in Autumn 2016, and made it clear that the Authority never comments on the efficacy of the interventions practised by accredited register practitioners.

10. Performance Review update

- 10.1 Work is underway to implement the revised performance review process.
- 10.2 Following a meeting with the Chief Executives' Steering Group on 16 November 2016, the Health and Professions Council (HCPC) and General Osteopathic Council (GOsC) volunteered to be the first regulators to be reviewed under the revised process. An initial meeting has been held with both organisations to begin discussions on next steps for their reviews. We expect to be in a position to make our recommendation about the type of review to be carried out for each regulator soon.
- 10.3 Both regulators have been very supportive, cooperative and helpful in relation to the process. The Board wanted to put on record their thanks to the HCPC and GOsC for volunteering to be the first to be reviewed, and for working cooperatively with the staff team at the Authority.
- 10.4 Each regulator will be assigned a Senior Scrutiny Officer as their key point of contact for the performance review process.
- 10.5 One Scrutiny Manager post has been recruited to, and that individual will commence employment in February 2016. We are currently advertising for the remaining vacant Scrutiny Manager position. We hope to have a full staff team in place by April 2016.
- 10.6 The website will shortly be updated to include documents about the revised performance review process.
- 10.7 A submission form for the dataset was sent to each of the regulators last week, and we have asked all the regulators to confirm when they will be providing their dataset. If they cannot provide the entirety of the dataset requested, we have asked them to inform us when they will be able to start providing the information requested so that we can manage the process of gathering and analysing data effectively.
- 10.8 We will report annually on the performance of each regulator and we will produce these reports once complete over the 12 month period. We propose to produce an annual overview of professional regulation and registration which will also include accredited registers as part of the Authority's annual report. In this overview we will comment on larger themes such as areas of difficulty facing regulation and sharing good practice.
- 10.9 The Authority acknowledges that this is a transition year and that we may not be able to implement all aspects of the revised process during the transition period (for example, not all regulators may be able to provide the complete dataset initially).

10.10 A query was raised as to what flexibility and capacity there is should concerns emerge during/after the performance review process. Any concerns that emerge during a performance review that are not serious will, where possible, be assessed during that process, or otherwise during the following performance review process. Where possible, any serious concerns emerging before a performance review process is complete will be dealt with as part of that review. If serious concerns were to emerge after a performance review was complete we would use our risk assessment process to initiate a separate investigation.

11. Business Plan

11.1 The Board was asked to review the business plan and to consider whether it adequately represents the Authority's intentions, and if so, to formally agree the business plan which will be sent as part of our submission to the Privy Council regarding our fees.

11.2 Following discussions with banks and the difficulty of obtaining a credit facility, it was agreed that we would build a reserve equivalent to three months expected expenditure.

11.3 A question was raised as to whether no demand for commissions/advice from other organisations (fourth workstream) should be added as a risk. As the Authority is not incurring expenditure and is not dependent on this income, it is not deemed a current risk. The Executive may in due course bring proposals to the Board as to whether money generated will provide a permanent resource for managing any process for seeking/tendering for such commissions.

11.4 The Chief Executive mentioned that the Authority will need to consider protecting intellectual property rights in Authority publications or presentations by staff. We have seen a rise in requests from third parties to use our materials, and although we may not seek to charge for their use, we will want to be credited for any materials used. It was agreed this should be discussed at the Board planning day in May 2016.

Action: MS

11.5 It was agreed that any further comments regarding presentation and points of clarity in the business plan could be sent directly to the Director of Governance and Operations.

11.6 The Board thanked the Director of Governance and Operations and her team, who are the main authors of the business plan for all their hard work.

11.7 Subject to small formatting changes the Board approved the business plan.

12. GDC investigation report

12.1 The GDC investigation report was published on 21 December 2015, in line with the timeframe agreed by the Board at its meeting on 18 November 2015.

12.2 The report was referred to in the House of Lords on 18 January 2016 and the House of Commons on 19 January 2016. The debate in the House of Lords has been shared with the Board and we will also be sharing the transcript of the House of Commons debate with the Board.

- 12.3 The whistleblower has informed the Authority that in line with one of our recommendations, the GDC has formally written to him to apologise for the handling of his whistleblowing complaint.
- 12.4 The Authority will continue to monitor how the GDC responds to the recommendations raised in the report and we will address this in the performance review.
- 12.5 The Chair of the Health Select Committee has thanked us for the report, and the Parliamentary Under-Secretary for Care Quality has expressed his continuing faith in the Authority's oversight functions.
- 12.6 It was asked whether any of the issues raised in the GDC investigation are relevant to other regulators, and whether the Authority should issue any guidance/lessons learned to all the regulators.
- 12.7 The Director of Scrutiny and Quality and Chief Executive confirmed that the Authority expects regulators to read our reports and evaluate for themselves the extent of any learning they should take from them. The Director of Scrutiny & Quality suggested that while various regulators may be interested in the learning from the report in relation to the tensions between achieving consistent fitness to practice decision-making while maintaining appropriate separation of functions, the Authority is not aware of any particular regulator encountering similar problems in terms of staff behaviours to those experienced by the GDC at the relevant time.
- 12.8 It was agreed that we would write a piece in the e-newsletter about the investigation, in order to help signpost the regulators to relevant learning points.

Action: CB/RH

13. Board meeting dates and Committee dates for 2016 and beyond

- 13.1 Due to the fee process the Board was asked to reconsider the cycle of Board meetings and also to make a decision on when to hold the annual planning day.
- 13.2 The Board agreed to move the planning day scheduled for 22 – 23 September 2016 to 26 – 27 May 2016. This will allow the Board to set strategic objectives and give the Executive sufficient time to plan and prepare for the fee consultation.
- 13.3 Due to a clash with the IAMRA Conference, the Board approved moving the Board meeting in September to 14 September 2016.
- 13.4 It was agreed that the Executive Secretary would circulate the new dates to Board members.

Action: MS

14. Any other business

- 14.1 The Chief Executive informed the Board that the Director of Scrutiny and Quality will be leaving the Authority in April 2016. The Chief Executive thanked the Director of Scrutiny and Quality for all her outstanding work. During her time at the Authority she has developed the Authority's reputation and has shown great dedication. The Chief Executive and the Board wished her well for all her future endeavours.

14.2 The Board were also asked to approve a small change to the Scheme of Delegations when the Chief Executive is absent.

15. Questions from members of the public

15.1 There were no members of the public present at the meeting.

16. Private session of Board

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

Signed by Chair..... Date.....