

Board meeting

Public minutes of the meeting

23 September 2020

Approved Minutes of the Board meeting, 23 September 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
Graham Mockler
Douglas Bilton
Dinah Godfrey
Kisha Punchihewa
Marija Hume
Natasha Wynne
Melanie Hueser (Secretariat)

Observers

Anna Lubasinska (General Medical Council)
Jonathan Fields (General Medical Council)
Terry Korateng (Nursing and Midwifery Council)

1. Welcome and Introductions & Declarations of Interest

- 1.1 The Chair welcomed everyone to the meeting including members of staff and external observers Anna Lubasinska (GMC), Jonathan Fields (GMC) and Terry Korateng (NMC).
- 1.2 There were no declarations of interest.

2. Apologies

- 2.1 No apologies received.

3. Minutes of meeting held on 15 July 2020 and matters arising

- 3.1 The minutes of the last Board meeting held on 15 July 2020 (Paper 1) were accepted as a true and correct record and approved.
- 3.2 **Item 4.6 - Recommendations for the reappointment of Board members:** The reappointments are still in progress. An announcement will be made when the process has been completed.
- 3.3 **Item 5.4 – Authority’s Equality, Diversity and Inclusion project:** The project is under way, the first meeting of the project group to take place on 23 September, after the Board meeting. There will be Board representation: TF will attend the meeting.

4. Chair's report

- 4.1 The Chair thanked Dame Glenys Stacey for her contributions. She made a very impressive start as Chair despite the Covid-19 disruptions before stepping down to return to Ofqual.
- 4.2 The Chair mentioned letters he wrote to Ministers including Helen Whately MP, Minister for Social Care about the proposed changes to the regulatory framework.
- 4.3 The Chair has requested an early meeting with the DHSC to discuss the consultation and in particular the Authority's concerns regarding the changes proposed to fitness to practice procedures and the review of accepted outcomes.
- 4.4 The Chair wrote to Nadine Dorries MP, Minister for Mental Health, Suicide Prevention and Patient Safety supporting the main proposals of the Cumberlege review.
- 4.5 He also wrote to the Chairs of the regulators we oversee and meetings are being set up with the Chairs and Chief Executives.
- 4.6 The Chair and Chief Executive had productive meetings with Baroness Cumberlege, Lord Prior (Chair of the NHS) and Lisa Cameron MP from the All-Party Parliamentary Health Group, which will look at healthcare regulation in early 2021.
- 4.7 The Chair highlighted the large amount of work currently being undertaken at the Authority – including the review of the Accredited Registers programme, the review of the performance review process, a review of the business planning process and financial reporting prior to the fees consultation, and preparations for the virtual Symposium. The Chair thanked everyone for their hard work.

5. Executive report (Paper 02)

- 5.1 The Chief Executive introduced the paper.
- 5.2 He confirmed that it was a very busy and productive time for the Authority. He reiterated that staff have been working effectively under difficult circumstances.
- 5.3 Guidance for home working will be updated in line with government advice. The default will remain that the majority of staff will continue to work from home for the next few months.
- 5.4 The Authority's priorities remained the same and were mostly reflected in the meeting's agenda.
- 5.5 The Chief Executive highlighted the stakeholder engagement plan as a particular area of work.
- 5.6 The Director of Scrutiny and Quality confirmed that the number of s29 cases is likely to remain low and that in-person hearings will continue to be postponed.
- 5.7 He explained the meaning of the "not applicable" tag in the annexe to the s29 section of the paper: The old case management system could not report on those metrics but going forward the report will include this data.
- 5.8 The Board asked about Social Work England's powers to enable registrants to agree to a voluntary striking off from the register, seeking clarification on how

this would affect registrants' future return to the register or applying for other registers. The Director of Scrutiny and Quality outlined the process that the HCPC have in place for cases of this kind, which include the acceptance of the accusations as facts and the treatment of the withdrawal from the register as erasure. SWE currently has no powers to grant voluntary erasures. The current workaround was deemed unsatisfactory by the Authority. SWE are taking legal advice and if a satisfactory process with appropriate safeguards can be agreed on the Authority will withdraw its objections. The Board requested to be kept up-to-date with the developments.

- 5.9 The Board asked whether there were any other points to be raised regarding SWE's use of accepted outcomes. The Director of Scrutiny and Quality confirmed that generally, these cases had been handled satisfactorily but that on one or two occasions a case meeting would have been desirable.
- 5.10 The Chair highlighted that these issues illustrated the Authority's emphasis on making sure that a wider use of accepted outcomes does not dilute accountability and transparency.
- 5.11 The Director of Standards and Policy had given evidence to the All Party Parliamentary Group on Beauty, Aesthetics and Wellbeing. She explained to the group the type of regulatory mechanisms and offered the Authority's right touch assurance methodology to help if asked to do so.
- 5.12 The Board welcomed the Authority's work on requirements relating to Welsh language and ensuring that people could use the language of their choice. The Board agreed that the work done was proportionate and commended the team's contribution.

6. Guidance on virtual hearings (Paper 03)

- 6.1 The Director of Scrutiny and Quality introduced the paper. He explained that the work done on the guidance came out of the workshop where the Board discussed how the Authority can support the regulators during the pandemic. It had been followed by considerable consultation with the regulators and registrant representatives and aimed to provide advice which would achieve a consistent and fair approach to different cases.
- 6.2 He drew attention to the view set out in the guidance that the decision to hold a virtual hearing was for the panel to take weighing up the different factors. It was not appropriate for either the registrant or the regulator as prosecutor to have a veto. Similarly, it was essential that the registrant should have access to the appropriate technology for hearings and be in an environment where they could participate effectively. If this cannot be achieved then a virtual hearing should not be held.
- 6.3 The guidance also considered the security risk of holding virtual hearings and, while the risk in many cases would be low, it set out safeguards that panels and regulators should consider. There might be some particularly sensitive cases which were not be suitable for virtual hearings because of this risk.
- 6.4 The guidance will be circulated to regulators in the next week.
- 6.5 The Board commended the team for completing the guidance quickly.
- 6.6 The Board suggested to strengthen the recommendation for panel chairs' and members' training from "may want to" to "should".

- 6.7 The Board requested that the guidance should not appear to endorse or recommend any particular software to use for virtual hearings.
- 6.8 The Board **approved** the guidance, subject to minor amendments and requested that it be issued as soon as possible.

7. Assurance framework (Paper 04)

- 7.1 The Chief Executive introduced the paper, noting that the Board had seen the framework already as it returns to the meeting periodically. There were not many changes in this version, mostly additional references to the new Finance Committee.
- 7.2 The Governance framework was provided as an annexe as the two frameworks relate to each other. The Governance framework was last updated at the July Board meeting and the previous Chair agreed it in August.
- 7.3 The Chief Executive requested that minor amendments be sent to him by early the following week.
- 7.4 An internal audit of Governance is already planned, and both frameworks will be assessed, including reviewing their implementation. If the auditors have suggested changes these will come back to the Board.
- 7.5 The Board requested that the meaning of the bullet point under 3.1 “Approving expenditure outside of the agreed budget which exceeds £25,000” be clarified .
- 7.6 The Board discussed whether the bullet point under 3.1 “Approval of contracts in the ordinary course of business above £25,000” should be removed as the Board did not feel that this was a necessary measure.
- 7.7 The Board welcomed the addition of the point “Decisions to commence or defend significant litigation or proceedings that exceed £25,000”.
- Action:** The Chair and Chief Executive will edit the framework with view of these comments, provide the documents to the internal auditors and bring the final framework back to the November Board meeting.
- 7.8 The Board **approved** the framework as a working document, with a view to seeing it again after the amendments have been made.
- 7.9 The Chief Executive will aim to bring the internal auditor’s comments on the frameworks to the November meeting.

8. Finance Report (Paper 05)

- 8.1 The Chief Executive presented the paper. The narrative has been brought to the front to make the report easier to follow.
- 8.2 The Chief Executive highlighted one of the major points – DHSC only provided 2/3rds of the funding needed for the Accredited Registers programme. The shortfall will be discussed at the private Board meeting.
- 8.3 A typo was highlighted. In the “2. Summary position” table: the total income should read £1,636,000 and a total expenditure of £1,568,000. This did not change the “Surplus/(deficit)” line.
- 8.4 The Board **noted** the report.

9. Finance Committee Report (Paper 06)

9.1 The Chair of the Finance Committee introduced the report. She summarised the first two meetings of the Finance Committee, which discussed a number of issues, including:

- Office accommodation going forward – The Committee will discuss updates at its October meeting and will bring recommendations to the next Board meeting.
- Finance reporting – Some minor changes have been implemented and more significant changes will be adopted for the financial year 21/22.
- Business planning and fees consultation – To be discussed in more detail at the private Board meeting.
- Retendering of legal services
- Financial position of the Accredited Registers – To be discussed in more detail at the private Board meeting.

9.2 The Committee minutes will be circulated to the Board.

9.3 The Committee Chair thanked all the teams that contributed to the Board papers.

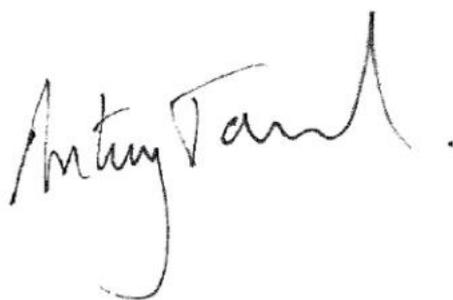
9.4 The Chair thanked the Finance Committee Chair for getting the committee off to a good start.

10. Questions from Members of the Public

10.1 There were no questions from members of the public.

11. Private session of the Board

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



Signed by Chair

Date 25/11/20

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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	In Progress
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 taking place in November 2020. The Governance and Assurance Frameworks will be bought back to the Board at the January meeting.	In Progress

Completed

25 March 2020	13.4	Cyber security review to be added to ARC agenda for October 2020	MH	8 October 2020		Complete
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15 July 2020	6.6	Add Covid-19 paper to September agenda.	AC	23 September 2020	Learning from Covid Review covered in the Executive Report	
15 July 2020	7.2	Send reform engagement plan to Board once it has been finalised.	CB	TBC	Completed	
15 July 2020	8.3	Create risk policy paper for ARC.	AC/MS	8 October 2020	Completed	
15 July 2020	9.4	Finalise the governance framework and send it to the Board for sign-off.	AC/GS	31 August 2020	On the agenda for 23 September (Annexe to Assurance Framework)	
15 July 2020	10.2	Schedule Finance Committee meetings for the rest of the year.	AC/RD/MH	TBC	Completed	