

**Board meeting**  
Public minutes of the meeting  
17 July 2019

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**Approved Minutes of the Board meeting, 17 July 2019**

**Present**

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

**In Attendance**

Christine Braithwaite  
John McDermott  
Mark Stobbs  
Graham Mockler  
  
Jessica Myint (Secretariat)  
  
Observers:  
Mike Andrews (NMC)  
Justine Hart (DHSC)  
Merve Cokgezici (PSA)

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

- 1.1 The Chair opened the meeting at 10:35 am and welcomed everyone to the meeting including members of staff and observers.
- 1.2 Justine Hart (Department for Health and Social Care (DHSC)), Mike Andrews (Nursing and Midwifery Council (NMC)), Roisin Fairfax (Professional Standards Authority) and Merve Cokgezici (Professional Standards Authority) attended as observers.
- 1.3 There were no declarations of interests.

**2. Apologies**

- 2.1 There were no apologies for absence.

**3. Minutes of meeting held on 24 May 2019**

- 3.1 The minutes of the last Board meeting held on 24 May 2019 (Paper 1) were confirmed and approved as true and correct records.

**4. Matters arising from meeting held on 24 May 2019**

- 4.1 **Item 8.3:** It was noted that the Directors Group is reviewing the risk register as part of the quarterly review. The updated risk register including the directions of risks, and a narrative of the key risks will be submitted to the Board at the 18 September 2019 meeting.

**Action:** The Chief Executive and Directors Group to report on the updated Risk Register at the 18 September 2019 Board meeting.

- 4.2 **Item 9.2:** It was noted that the internal auditors, Mazars are currently reviewing the Authority's Board travel and expenses policy and practice around tax and the Directors Group will update the Board on the outcomes of the review.

**Action:** The Chief Executive and Directors Group to report on the Board travel and expenses policy and practice around tax at the 18 September 2019 Board meeting.

- 4.3 All matters arising and action points are covered in the agenda items below.

## 5. Chair's report

- 5.1 The Chair updated that on 9 July 2019, the Government published its response on to the consultation on reform of professional regulation. The Chair and the Board welcomed the publication but noted that the proposed additional flexibility for regulators should be balanced by enhanced oversight powers for the Authority to ensure that patients are protected, and the public can continue to have confidence in regulation. The Chair highlighted that the proposals for increased flexibility for regulators to make and amend their own rules, may result in the absence of a safety net currently being provided by the Authority's oversight. The Chair noted that the Government supports the Authority's role in ensuring that regulators' fitness to practise decisions are sufficient to protect the public and also provided commitment to ensure that the Authority's role in relation to consensual decisions is reviewed. The Authority looks forward to working with Government on next steps to ensure public protection remains the focus of reform.
- 5.2 The Chair also updated that in June 2019, he has written to Nadhim Zahawi (Parliamentary Under Secretary of State for Children and Families), Caroline Dinanage (Minister of State for Care) and Stephen Hammond (Minister of State for Health) to raise our concerns on the transfer of work from the Health and Care Professional Council (HCPC) to Social Work England (SWE) and the Authority's oversight of SWE's consensual disposals functions. The Chair has yet to receive replies to the letters.
- 5.3 The Chair also updated that he has continue to hold 1:1 meetings with Chairs of regulators as well as 2:2 meetings with Chairs and Chief Executives of the regulators accompanied by the Authority's Chief Executive. Most recent meetings include the meetings with HCPC, General Dental Council (GDC), General Pharmaceutical Council (GPhC), General Optical Council (GOC) and General Osteopathic Council (GOsC).

## 6. Executive report

- 6.1 The Chief Executive highlighted the key areas of the Executive report (Paper 2). It was noted that together with the Authority Chair, the Chief Executive met the Chairs and Chief Executives of the GOsC on 11 June 2019, the GPhC on 3 July 2019, the GOC on 11 July 2019 and the GDC on 16 July 2019. The Chief

- Executive also met with the Chief Executive of HCPC on 31 May 2019. It was noted that the Chief Executive also continues to meet with accredited registers.
- 6.2 The Chair and the Chief Executive co-chaired a HCPC/ SWE follow up meeting on 3 July 2019, which was attended by officials from DHSC, the Department for Education (DfE), HCPC and SWE. It was noted that the Infrastructure and Projects Authority (IPA) had completed its readiness review and had issued SWE with an amber rating. There would be a further review in September 2019. Both DHSC and DfE assured that they will be closely monitoring the transition and risks. Subject to all continuing to plan, SWE will officially commence operations on 2 December 2019.
- 6.3 The Chief Executive also met with Sarah Champion MP, Chair All-Party Parliamentary Group for Adult Survivors of Childhood Sexual Abuse, on 2 July 2019 to discuss safeguarding in relation to accredited registers. It was noted that the meeting with Minister of State for Health, Stephen Hammond MP, on 8 July 2019 has now been moved to 24 July 2019 at the Minister's request.
- 6.4 The Director of Scrutiny and Quality reported that in addition to the updates in the Executive Report, we now have referred another case under the S29 process. It was noted that in the last couple of weeks, the GMC had lodged three new section 40A appeals under the Section 60 Order and the GMC powers to appeal MPTS decisions.
- 6.5 The Director of Scrutiny and Quality also reported a meeting is scheduled on 18 July 2019 with SWE to discuss how the Authority will get sight of their agreed outcomes on oversight of SWE consensual disposals. The Director of Scrutiny and Quality will report to the Board and DG on the results of the meeting.
- Action:** The Director of Scrutiny and Quality to update on the 18 July 2019 meeting with SWE.
- 6.6 The Director of Standards and Policy updated that the Policy Team is currently analysing the Government's response on to the consultation on reform of professional regulation.
- 6.7 The Director of Standards and Policy also informed that the Authority's Symposium on collaborative regulation and right touch assurance is now scheduled for 12 November 2019. It was noted that the Symposium will be held in two sessions with the morning dedicated to health regulators and the afternoon open to cross sector regulators to share knowledge and learning points.
- 6.8 The below events are also being planned and produced:
- Policy and Research Forum (12/09/2019)
  - Academic conference (05-06/03/2020)
  - Futurology conference (05/03/2020)
- 6.9 It was noted that the Policy Team are seeking advice by consulting the research community on the gaps and the outcome of the recent tender before scoping and re-tendering the Right-Touch Assurance Project.
- 6.10 The Director of Governance and Operations highlighted Items 4.5 and 4.6 of the Executive Report (Paper 2). It was noted that the Authority's Annual Report and Accounts 2018/19 was laid before Parliament on 27 June 2019 and published

on its website on 05 July 2019. The Authority has received an unqualified opinion from the Comptroller & Auditor General and the NAO.

- 6.11 The Chair of the Audit and Risk Committee raised the Board's approval process of the amount of Reserve Funds to be returned to the regulators. It was agreed that once the Business Plan 2020/21 principles have been approved by the Board the Directors' Group can prepare and propose an indicative Budget for 2020/21 to accompany the Business Plan 2020/21, for the Board to review and consider prior to the Board meeting on 18 September 2019.
- 6.12 **Annex A:** The Director of Standards and Policy highlighted the report on Accredited Registers (Paper 2 Annex A). It was noted that an application for Judicial Review has been made, challenging the recent decision by the Authority to grant re-accreditation to a particular accredited register. The Authority has not yet been formally served.
- 6.13 The Board reviewed the report on the Accredited Registers and encouraged the executive to consider targeting the communications campaign at stakeholders in particular sectors to create awareness of the Accredited Registers Programme, across the four nations of the UK.
- 6.14 The Board noted that the programme has a dedicated 'checkapractitioner' url for the public to use for direct access to the accredited registers programme. Once appointed, the new Head of External Relations will undertake a review of communications activity for the accredited registers programme. Moi Ali offered to provide advice as required.
- 6.15 The Board requested to review the stakeholder engagement strategy for the Accredited Register Programme once it has been updated.
- Action:** The Accredited Registers Team to submit the stakeholder engagement strategy for the Accredited Register Programme to the Board for comments and approval.
- 6.16 It was noted that the Authority has commissioned advice in relation to the accredited registers and safeguarding legislation in England, Scotland, Northern Ireland and Wales. The Authority had some productive meetings with Norman Lamb MP who is interested in the matter and has offered his support. .
- 6.17 **Annex B:** The Chief Executive highlighted the Performance against the Business Plan (Paper 2 Annex B). The narratives in the report explain the areas where there are opportunities to improve our performance. The Chief Executive explained that we are exploring how best to report the staff turnover data. We will also review how Performance Reviews' publications targets are reported as the publication dates are dependent of the audit process carried out.
- 6.18 The Director of Scrutiny and Quality reported that the development of s29 database is back on track. The database has been delivered for user testing. We aim for a go-live date in September 2019. As a precaution, we have asked Finance Department to look into options with our Procurement support provider around sourcing a third-party supplier to support the existing database if the new database is not delivered before the manufacturer's support expires in October 2019.
- 6.19 The Board noted the report on the Performance against the Business Plan and recommended that impact should also be measured. The Board suggested that

the usage data of Accredited Register pages and 'Check a Practitioner' page should be also be included.

**Action:** Data on usage of Accredited Register web pages to be included in the Performance against the Business Plan report.

- 6.20 The Board also requested information on complaints. It was agreed that the Audit and Risk Committee will share with the Board the report it received at the 6 June 2019 meeting on complaints and requests information relating to the Authority.

**Action:** The Audit and Risk Committee to share the report on complaints data with the Board.

- 6.21 It was noted that complaints about the regulators are dealt with directly by the Complaints Officer in the Scrutiny and Quality Directorate. The Audit and Risk Committee has recommended that the Scrutiny Committee consider receiving a report about how the observations received about regulators and learning points are processed.

## 7. Finance report

- 7.1 The Head of Finance reported that the 2019/20 budget position at the end of first two months is shown as surplus of approx. £60K. This is a result of the 'Regulatory oversight and standards setting' budget showing as deficit of £23K, which is due to the refunds given to the regulators from 2017/18 surplus and the reserve funds. But the actuals will be at breakeven state. It was noted that the main variance includes lower than expected s29 direct legal costs, higher than expected recruitment/temp staff costs, higher than expected ICT and s29 database non-capital costs. The underspend in communication and conferences is due to budget profiling and is expected to net off by the end of financial year.

- 1.2 It was also highlighted that currently there is an underspend in the Accredited Registers and Commissions from Government(s) is showing a deficit due to timing differences in expenditure and income from DHSC commission being recognised in April 2019.

- 7.2 The Board reviewed and noted the Finance report (Paper 3).

## 8. Audit and Risk Committee update

- 8.1 The Chair of the Audit and Risk Committee reported on the activities of the Committee since the last Board meeting in May 2019. The Chair of the Audit and Risk Committee highlighted the need for further thoughts on how the Authority monitors governance issues relating to the regulators via performance reviews, including Council effectiveness and risk management.
- 8.2 The Board noted the report and the draft minutes the Audit and Risk Committee meeting held on 6 June 2019 (Paper 4). The Board discussed the matter regarding the review of regulators governance process and agreed that one way the Authority can monitor the governance of the regulators is by regularly attending regulator's Council meetings as observers. It was also noted that the

credibility to review and the process of reporting feedback to the regulators should also be considered and discussed further at Board level.

- 8.3 It was noted that the updated version of the unapproved minutes the Audit and Risk Committee meeting held on 6 June 2019 will be circulated to the Board for information.

**Action:** The Secretariat to circulate to the Board updated version of the unapproved minutes the Audit and Risk Committee meeting held on 6 June 2019.

## 9. Audit Committee annual report to the Authority

- 9.1 The Chair of the Audit and Risk Committee presented the Audit and Risk Committee annual report 2018/19 to the Authority (Paper 5), which outlines the Committee's main areas of achievements and activities during the period of April 2018 – March 2019.

- 9.2 The Board considered and noted the report (Paper 5).

## 10. Scrutiny Committee update

- 10.1 The Chair of the Scrutiny Committee updated on the work of the Scrutiny Committee in the last quarter. The following were highlighted.

- A review has been conducted by an external barrister of the s29 Team's initial review process. The report received suggests that a number of cases may have been closed earlier than they should have been and that some points may have been missed. As a result, the processes will be reviewed and training is being arranged for the team.
- The Committee also undertook a routine sampling of s29 cases (seven cases), which included cases considered recently at s29 case meetings but not referred to the courts and cases considered at Chief Executive and the Director level, that were not forwarded to a case meeting. One case raised active debate amongst the Committee members but the review assured that the s29 process is working well and the scrutiny is working well.
- The Committee recommended that the Authority should ensure that DHSC was aware of concerns about regulators' powers in respect of corporate registrants in particular a GOC case involving Boots. First, the sanctions available might not be adequate to deal appropriately with the concerns and £50K fine may not be sufficient. Secondly, there were concerns about how far the governance structures of regulators maintained independence where a large number of registrants are likely to be employed by large corporate businesses with a substantial share of the market.
- The Scrutiny Committee also requested an analysis of the decline in the number of s29 cases.

- 10.2 The Director of Standards and Policy provided information relating to Item 9.3 of the unapproved minutes the Scrutiny Committee meeting held on 20 June 2019 (Paper 6). It was noted that the Authority has carried out work on the duty of candour and in relations to s29 cases. The Authority has also taken part in

various stakeholders events including at NICON19 in May 2019 in Northern Ireland. Most recently the Authority has been invited by the Belfast Health and Social Care Trust to present on duty of candour.

- 10.3 The Director of Standards and Policy reported that although candour does not appear in the determinations of regulators and regulators do not have a standardized categorization for it as an allegation type, regulators consider 'candour' is catered for under charges like 'dishonesty'. It is also difficult for regulators to measure positive processing as positive feedback is rarely provided to or monitored by regulators.
- 10.4 The Chair of the Scrutiny Committee agreed that relevant work has been carried out and agreed to update the minutes to reflect the situation.
- Action:** The Scrutiny Committee to update Item 9.3 of the unapproved minutes the Scrutiny Committee meeting held on 20 June 2019 (Paper 6) to reflect the work carried out by the Authority on candour.
- 10.5 The Board also noted that the Scrutiny Committee emphasized the Authority's decisions to take cases forward should not be unduly influenced by the prospects of success, especially in cases where there is concern for public safety and interests of vulnerable patients are involved.
- 10.6 The Board noted the report and the unapproved minutes the Scrutiny Committee meeting held on 20 June 2019 (Paper 6).

## 11. PSA Strategic Plan 2019/ 22

- 11.1 The Chief Executive presented the draft Professional Standards Authority Strategic Plan 2019/ 22 (Paper 7). When approved the Strategic Plan will combine with the Business Plan 2019/20 to form the Authority's Corporate Plan. The Chief Executive highlighted that agreed values of the Authority will now need to be practiced by all at the Authority including Board members.
- 11.2 The Board reviewed the Authority's draft Strategic Plan 2019/ 22 (Paper 7). The Board requested that the following areas of work for 2019/20 be highlighted in the plan:
- Consensual disposal risks
  - Safeguarding legislation gap
  - Protecting the most vulnerable.
- 11.3 The Board recommended that Strategic Aim2: *"To maintain strong relationships with statutory regulators, organisations with accredited registers and other stakeholders to improve the impact of our work"* to be amended as *"To maintain strong relationships with all stakeholders to improve the impact of our work."*
- 11.4 The Board also advised that the draft Strategic Plan 2019/ 22 incorporate the work on regulatory reform, reflecting on the recent Government response on the consultation on reform of professional regulation. The Board highlighted the need to focus on all four of the UK governments including the devolved administrations.

- 11.5 The Board also agreed that values should be incorporated into the objectives of individual members of the Board and staff as part of the appraisal process.
- 11.6 The Chair encouraged for the Board to take ownership of the Authority's Strategic Plan 2019/ 22. The Chair accentuated that the values should also be embraced by the non executives and reflected in their performance.
- 11.7 The Chief Executive noted the comments provided by the Board, which will be considered when updating the draft Strategic Plan 2019/ 22.

**Action:** The Chief Executive to update the draft Strategic Plan 2019/ 22 incorporating the recommendations from the Board.

## 12. PSA Business Plan 2019/20 and 20/21

- 12.1 The Chief Executive presented the draft PSA Business Plan 2019/20 and 2020/21 (Paper 8). The Chief Executive highlighted the assumptions for business as usual in 2020/21 on which we will build our budget.
- 12.2 It was noted that currently there are no assumptions on additional income as there are currently no international commissions in the pipeline and the commissions from DHSC usually comes late in the year with payments made in the next financial year. Hence updates on additional income will be made as they develop. This assumption will be explicitly added to the plan.
- 12.3 The Board reviewed and noted the proposed PSA Business Plan 2019/20 and 2020/21 (Paper 8).

## 13. Any other business

- 13.1 The Director of Scrutiny and Quality invited members of the Board to observe s29 case meetings when possible. The s29 team will send out invitations to inform the Board when meetings are being held.
- 13.2 The Board requested for an action log to be included as part of the minutes as recommended by the Board effectiveness review.
- Action:** The Secretariat to include an action log with the minutes of the Board.
- 13.3 The Board noted the agreed meeting dates for the Board in the year 2020.

### Board meeting dates 2020

- Wednesday, 15 January 2020 (10:30 – 13:30)
- Wednesday, 25 March 2020 (10:30 – 13:30)
- Wednesday 20 and Thursday 21 May 2020
- Wednesday, 15 July 2020 (10:30 – 13:30)
- Wednesday, 23 September 2020 (10:30 – 13:30)
- Wednesday, 25 November 2020 (10:30 – 13:30)

- 13.4 There was no other business discussed.

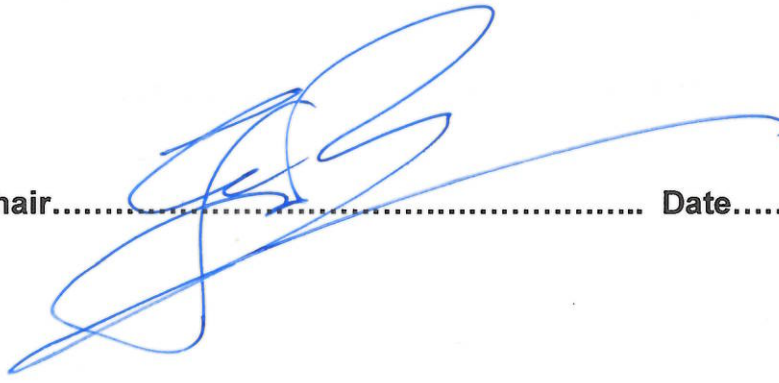


**14. Questions from observers**

14.1 There were no questions from the observers.

**15. Private session of the Board**

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

Signed by Chair.......... Date 18/09/19.....



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**Action Log**

In Progress Overdue Delayed Complete

Mtg. Date	Item No.	Action point	Owner	Date required	Action progress	Status
17 July 2019	4.1	The Chief Executive and Directors Group to report on the updated Risk Register at the 18 September 2019 Board meeting.	AC / DG	18 September 2019	On 18 September 2019 Board Meeting Agenda	
17 July 2019	4.2	The Chief Executive and Directors Group to report on the Board travel and expenses policy and practice on tax at the 18 September 2019 Board meeting. Board meeting.	AC / DG Mazars	18 September 2019	On 18 September 2019 Board Meeting Agenda	
17 July 2019	6.5	The Director of Scrutiny and Quality to update on the 18 July 2019 meeting with SWE.	MS	July 2019		
17 July 2019	6.15	The Accredited Registers Team to submit the stakeholder engagement strategy for the Accredited Register Programme to the Board for comments and approval.	AR Team	18 September 2019	To be carried over to 20 November 2019 Board meeting	

17 July 2019	6.19	Data on usage of Accredited Register web pages to be included in the Performance review against the Business Plan report.	DG/ AR Team	18 September 2019	18 September 2019 Executive Report
17 July 2019	6.20	The Audit and Risk Committee to share the report on complaints data with the Board.	Audit and Risk Committee	July 2019	18 July 2019
17 July 2019	8.3	The Secretariat to circulate to the Board updated version of the unapproved minutes the Audit and Risk Committee meeting held on 6 June 2019.	Secretariat	July 2019	18 July 2019
17 July 2019	10.4	The Scrutiny Committee to update item 9.3 of the unapproved minutes the Scrutiny Committee meeting held on 20 June 2019 (Paper 6) to reflect the current work carried out by the Authority on candour.	Scrutiny Committee	Before 17 October 2019	18 July 2019
17 July 2019	11.7	The Chief Executive to update the draft PSA Strategic Plan 2019/ 22 incorporating the recommendations from the Board.	AC	18 September 2019	On 18 September 2019 Board Meeting Agenda
17 July 2019	13.2	The Secretariat to include an action log with the minutes of the Board.	Secretariat	July 2019	22 July 2019

