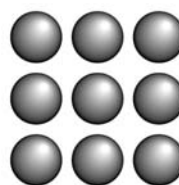


Council meeting

Minutes of meeting

13 July 2011, London



**council for
healthcare
regulatory
excellence**

Minutes of Council Meeting, 13 July 2011

Present

Jill Pitkeathley (Chair)
Harry Cayton (CE)
Ann Curno
Ian Hamer
Andrew Hind
Sally Irvine
Jayne Scott

In Attendance

Linda Allan
Christine Braithwaite
Rosalyn Hayles
Lisa Foley
Dinah Godfree
Kate Webb

Observers / Members of the public

Christina Docchar
Carmen Ablack
David Pink
Fionnuala Gill

1. Welcome and Introductions & Declarations of Interest

- 1.1 The Chair welcomed everyone to the meeting.
- 1.2 There were no new declarations of interest.

2. Apologies

- 2.1 Stuart MacDonnell had sent his apologies for the meeting.

3. Minutes of the Council meeting on 25 May 2011

- 3.1 Subject to minor amendments, the minutes were approved as an accurate record of the meeting.

4. Matters arising from the meeting on 25 May 2011

- 4.1 Para 5.2 – Ian Hamer and Andrew Hind observed the council meeting of the General Medical Council on 8 June. Ian and Sally Irvine would attend the council meeting of the Nursing and Midwifery Council on 21 July and similar visits to other regulators' meetings would continue throughout the year.
- 4.2 Para 6.5 – CHRE had made the decision to postpone its launch of the International Regulatory Observatory which was to be held on 7 July as it emerged that the London School of Economics would not be able to deliver their reports in time for the launch. The reports had now been received.

- 4.3 The Chief Executive had given a presentation on right-touch regulation at the CLEAR Conference in London on 7 July, where several organisations expressed an interest in the Observatory.

5. Chair's report

- 5.1 The Chair continued to attend briefings and seminars in the House of Lords on the Health and Social Care Bill. Earl Howe had invited those with an interest in the Bill to meet him and she would meet with him and raise issues around regulation.
- 5.2 The Chair had also recently met with Stephen Dorrell MP, Chair of the Health Select Committee.
- 5.3 CHRE's Regulators Forum was held on 5 July and chairs and chief executives of the regulators had been asked for topics to discuss at the meeting. Council members felt that this approach had resulted in a more successful framework for the meeting and felt it was more interactive and useful. The next meeting would be held on 17 November.
- 5.4 At the Forum meeting it was agreed that staff from the regulators would be invited to join a planning group for CHRE's next Symposium.

ACTION: DB

- 5.5 The General Optical Council would host a meeting between the regulators to discuss the upcoming Law Commission simplification review and their concerns regarding changes to legislation.
- 5.6 CHRE would host a half-day meeting following the completion of its report on learning from OHPA (the Office of the Health Professions Adjudicator).
- 5.7 Council members had suggested that they would find informal meetings or teleconferences in the periods between Council meetings useful. The Council Secretary would find a date for a teleconference in December and members would decide closer to the time whether they still felt it to be necessary.

ACTION: LF

- 5.8 Members agreed to discuss the agenda for its planning day in October at the next meeting in September.

6. Chief Executive's report

- 6.1 CHRE had set up a new web based portal for receiving case papers from the regulators as part of its commitment to improve information governance. The Chief Executive had written to the Information Commissioner's Office to notify them that all changes planned had been implemented.
- 6.2 Following discussions with the Supreme Council of Health for the State of Qatar about conducting a performance review for them, CHRE would submit a proposal for the work.

- 6.3 CHRE had received a formal request from the Nursing Council of New Zealand to do a performance review for them. Further details were being worked out, but it was expected that, if agreed, this work would take place in January or February 2012.
- 6.4 CHRE would hold an operational seminar at its offices on 29 July. The seminar would be attended regulatory organisations to determine how regulators could share information. Attendees would include staff from the health professional regulators, Health Service Ombudsman for England, Care Quality Commission and organisations in Northern Ireland, Scotland and Wales.
- 6.5 The Chief Executive would write to Professor Sir Bruce Keogh, NHS Medical Director who had raised concerns about information sharing among regulators to make him aware that this event would be taking place. The Chief Executive thanked Douglas Bilton and CHRE's policy team for arranging the seminar.
- 6.6 It was noted that the Bribery Act had come into force.
- 6.7 Work had started on the commission received by CHRE to draft a high-level set of ethical standards for senior managers and non-executives in the NHS in England. This had been announced by David Nicholson in his speech at the NHS Confederation conference on 8 July, had appeared in the Health Service Journal on 11 July and had been generating a lot of interest. Dinah Godfree had been seconded from the General Social Care Council to assist CHRE with this work.

7. Finance update

- 7.1 It was noted that CHRE had a surplus following cost recovery from court cases and after having budgeted for more gas and electricity than it had used since moving into the National Audit Office building.
- 7.2 Although CHRE's transition budget had been approved, we still need to submit business cases to draw down funds for each piece of work this continued to be bureaucratic and time-consuming for staff.

8. Audit and Risk Committee update

Minutes of meeting on 9 June 2011

- 8.1 The last Audit and Risk Committee meeting had approved for the Annual report and accounts 2010/11 on behalf of Council, ensuring that it was ready for submission to the NAO and to be signed off on Council's behalf. The Annual report and accounts was laid before the parliaments/assemblies in England, Northern Ireland, Scotland and Wales on 29 June.
- 8.2 This had been the first meeting attended by CHRE's new internal auditors, Grant Thornton. The Audit and Risk Committee members and executive team were pleased with their audit plan for the coming year and looked forward to the contribution they would make.

- 8.3 It was CHRE's hope that Grant Thornton would also be able to advise it about transition work and financial efficiencies moving toward the launch of the Professional Standards Authority.

9. Transition planning post recommitment of Bill

- 9.1 The Chair briefed those present on the progress of the Health and Social Care Bill. Over 60 clauses of the Bill had been recommitted, however none of these related to CHRE. The report stage was expected to finish in the House of Commons before it rose next week. The second reading in the House of Lords was expected to take place from the second week of October.
- 9.2 The Chief Executive explained that the date of transition to the Professional Standards Authority was wholly dependent on the parliamentary timetable. It is still the intention that the transfer will take place in July 2012 however this would be dependent on all parliamentary processes being completed by April 2012.
- 9.3 CHRE held a Change Team meeting this week to monitor progress on work in preparation for the transfer and everything was on track. CHRE planned to be ready even if the parliamentary timetable were to slip.
- 9.4 A series of workshops had been arranged for organisations expressing an interest in joining the voluntary registers scheme. Topics would include costs and affordability of the scheme, risk, conduct and how the scheme could be promoted. A final workshop would be held on 25 August to wrap the discussions up. A separate workshop would be arranged to inform patient and public representatives.
- 9.5 Council members would be kept up to date with progress.

10. Standards for Appointments to Councils

- 10.1 The Council were presented with a paper on the proposed framework for standards for appointments to regulators' councils and were asked to approve the content. The paper had been sent to all regulators and included their changes and suggestions.
- 10.2 It was suggested that standards should also be developed around what information was shared about council members on a regulator's website (e.g. their salary, biographical information and potential conflicts of interest). It was also suggested that there should be a standard set to allow public access to regulators' Council meetings and papers, as well as providing an opportunity during the meetings for them to ask questions. The chief executive said this was outside the scope of the work.
- 10.3 It was also felt that standards for Councils should include an appraisal or assessment of overall board performance as well as of individual members. The Council would discuss this matter in relation to itself at its planning day in October.
- 10.4 The Council approved the paper.

11. Law Commission Review

- 11.1 Arising from the Command Paper *Enabling Excellence: Autonomy and Accountability for Healthcare Workers, Social Workers and Social Care Workers*, the Law Commission was asked to do a review of the legislative framework currently in place for regulators and to produce a draft Bill for consultation.
- 11.2 CHRE would work closely with the Law Commission on this piece of work as it could provide advice on a wide variety of issues, including right-touch regulation, to enable legislation to be in the interests of patients, the public and service users.
- 11.3 Currently, regulators who wish to introduce rule changes to improve their performance are faced with a lengthy process that demands Parliamentary time. They are constrained by their legislation and this prevents them from being able to modernise their procedures. The intention of the simplification review is to create an enabling legislative framework and to give greater autonomy to the regulators to make the rule changes they need.
- 11.4 The project would be a joint piece of work across the whole UK over the next three years and it is hoped that a draft Bill will be ready for the end of this Parliament.
- 11.5 CHRE had held meetings with the Law Commission to discuss the scope of the review and what advice CHRE could offer. It was in a pre-consultation phase and it was hoped that a formal consultation would take place in 2012.
- 11.6 The Council asked to be kept informed of the process as it progressed.

12. New expenses policy for Council members following HMRC review

- 12.1 The Audit and Risk Committee had agreed that in his role as Accounting Officer, the Chief Executive should make any decisions related to taxes incurred from Council members' travel expenses and how this should be paid back to HMRC. He stated that CHRE would meet the tax liability as members not based in London would be unfairly disadvantaged if they had to meet the cost.
- 12.2 CHRE had agreed a settlement with HMRC for tax liability and was in the process of agreeing with them a new framework for expenses. A proposal had been drafted and would be submitted to HMRC. When agreed, it would be circulated to members.
- 12.3 Existing arrangements would continue until the new framework has been formally agreed.

13. Planning for future meetings

- 13.1 CHRE's Council meeting dates for 2012 were now confirmed and had been published on the website.

13.2 To ensure that Council meetings were arranged more easily in future, it was agreed that in 2013 Council meetings would take place on the third Thursdays of the months in which they were held. Audit and Risk Committee meetings would be held on the first Wednesdays in May, June, September and December. Scrutiny Committee meetings would be held on the first Thursdays of March, September and December.

13.3 The Council thanked Lisa Foley for arranging the meetings.

14. Any other business

14.1 There was no other business.

15. Questions from members of the public

15.1 There were no questions from members of the public.

16. Private session of Council

16.1 The Council resolved to exclude the press and public and went into private session.

Approved by Council on 20 September 2011