

**Council meeting**

**Minutes of meeting**

**19 January 2011, Cumberland Lodge,  
Windsor**



## **Minutes of Council Meeting, 19 January 2011**

### **Present**

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

### **In Attendance**

Linda Allan  
Tim Bailey  
Christine Braithwaite  
Rosalyn Hayles  
Lisa Foley

### **Observer**

Audrey Cowie, Scottish Government

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

- 1.1 The Chair welcomed Audrey Cowie, Professional Adviser on Regulation and Workforce Standards for the Scottish Government Health Directorates.
- 1.2 The Council congratulated Andrew Hind on being awarded the CB in the New Year Honours.
- 1.3 The Chair informed the Council that on 31 March, her role as chair of the Advisory Body of the Office for Civil Society (OCS) would end.
- 1.4 It was announced that the first reading of the Health and Social Care Bill would take place that day.

## **2. Apologies**

- 2.1 There were no apologies.

## **3. Minutes of the Council meeting on 24 November 2010**

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

## **4. Matters arising from the meeting on 24 November 2010**

- 4.1 The Chief Executive had written to Stephen Dorrell MP suggesting that CHRE be accountable to Parliament through the Health Committee.

## **5. Chair's report**

- 5.1 The Chair had met each of the chairs of the nine regulatory bodies, and with the chair of the General Social Care Council. It had been widely felt that CHRE's Regulators Forums were still not as useful as they could be. The Chair would review the structure of the meetings with the Chief Executive.

### **ACTION: JP and HC**

- 5.2 Chairs of the regulators had been happy to agree to members of the CHRE Council attending their respective council meetings in future.
- 5.3 The Council thanked the Chair for holding the meetings which were felt to be important in relationship building between CHRE and the regulators.
- 5.4 The chair had attended a Peers policy lunch hosted by the Nursing and Midwifery Council at the House of Lords on 18 January.

## **6. Chief Executive's report**

- 6.1 The Chief Executive thanked Linda Allan and the CHRE staff for their hard work in ensuring a smooth transition during its recent office move to 157-197 Buckingham Palace Road.
- 6.2 Although internet connection and phone lines had been working since the move date, the porting of CHRE's old telephone numbers to the new office was not expected to be completed by BT until 28 January at the earliest, despite early notification by CHRE of its requirement. As the numbers were owned by the Department of Health, BT would not speak directly to CHRE about the matter, and claimed that bad weather, student demonstrations in December and short staffing had caused the delay. CHRE's website had been updated to make people aware of this problem, and provide them with a temporary number to ring in the interim.
- 6.3 The report on the progress review of the NMC had been completed and agreed with the NMC. Council members would be sent copies.

### **ACTION: RH**

- 6.4 It was reported that no section 29 case conferences had been held since 8 December. Three cases have been reviewed in particular detail, in order to see if section 29 case conferences should be held, with the conclusion being reached that only one case conference (concerning a General Medical Council case) was required.
- 6.5 Further to the Department of Health's publication of the report on the regulation of public health professions, CHRE had submitted a lengthy briefing note outlining corrections to the report to both ministers and the author to express CHRE's disagreement with the content. Council members requested to see CHRE's response.

### **ACTION: CB**

- 6.6 CHRE held its Lunch Bytes meeting on 10 January. The meeting was an opportunity for CHRE to hear from community leaders of various faith groups about how CHRE might engage with them more effectively. The Chief Executive thanked Rachael De Souza for arranging the meeting. Her paper on different ways of engaging with patients and the public would be brought to the Council's next meeting in March.
- 6.7 A further meeting had been held with the Department for Education, to advise them on the new arrangements for the regulation of teachers in England. A further meeting would take place in February.
- 6.8 Risks had been identified around CHRE's forthcoming programme of transition work following a major request for new commissions expected from the Department of Health, coupled with budget cuts and the Cabinet Office's restraints on activities with regard to employment and the use of temporary workers, consultants and professional advice.
- 6.9 CHRE had found itself caught between the Department's Arms Length Bodies sponsor branch who would commission the work, and the Department's ALB transition team requiring business cases for the work to go to Ministers.
- 6.10 A meeting had been arranged for 25 January to discuss this problem with both parts of the Department. It was hoped that CHRE would be able to submit one business case for the entire programme of work, rather than for individual pieces.

## **7. Audit and Risk Committee update**

### ***Minutes of the meeting on 2 December 2010***

- 7.1 The Council requested an update on CHRE's loss of three case files in November. The Chief Executive explained that CHRE took the situation very seriously and had reported itself to both the Department of Health and the Information Commissioner's Office. He had made the chief executives of the nine health professional regulators aware of the loss at their joint steering group meeting and had personally written to each of the regulators where one of their specific case files was involved.
- 7.2 CHRE had also met one of the Department's information security officials at its recent quarterly accountability meeting and they would write to CHRE with advice. It appeared that they had been satisfied with the actions taken and did not consider this to be a sufficiently important breach that necessitated reporting to ministers.
- 7.3 CHRE had approached the ICO separately asking whether they would conduct an information audit for CHRE, but they did not feel the loss warranted such an audit.
- 7.4 As a result of this loss, the process for dealing with case files had been reviewed and improved. CHRE was in discussions with the regulators about the possibility of sending all information electronically (and encrypted). However, it was recognised that some regulators would not have the resources to do this.

- 7.5 It was noted that the Department's ALB Workshop on internal audit would be held on 3 February and that this may affect CHRE's plans to tender for an internal auditor if a new framework was to be developed.

### ***Annual Work Programme***

- 7.6 The Council agreed the Audit and Risk Committee's annual work programme for 2011-2012.

### ***Terms of Reference***

- 7.7 The Council agreed the Audit and Risk Committee's terms of reference.

## **8. Scrutiny Committee update**

### ***Minutes of the meeting on 8 December 2010***

- 8.1 At its last meeting in December, the Scrutiny Committee had held detailed discussions on section 29 case reviews and the audit of initial stages. Members reviewed and scrutinised CHRE's decisions on individual cases dealt with over the past year and had confirmed that they were satisfied with the quality of decisions made by CHRE.
- 8.2 The Committee had also discussed the issues around the systems of notification by police and courts when a registrant is found guilty of a criminal offence. The Chief Executive would follow this up with the regulators.

### **ACTION: HC**

## **9. Finance update**

- 9.1 CHRE had submitted a business case for assistance with dilapidations to repair its previous office at 11 Strand to its original state and was awaiting a response from the Department. The cost of this work was expected to come in at less than previously anticipated which would contribute to an under spend.
- 9.2 CHRE had also been awaiting confirmation from the Department as to when the forthcoming commissioned work would begin. This would also affect the under spend if work was not started until the next financial year, as money had been allocated to deal with the work this year. CHRE would have a better idea of how this would develop following its meeting with the Department on 25 January.

## **10. Update on proposals for CHRE's new role in operating a voluntary register scheme**

- 10.1 The Council reviewed this paper which had been shared with regulatory bodies and voluntary groups and responses received had been favourable.

- 10.2 Members heard that a range of different professional organisations had been interested in the scheme and had contacted CHRE to arrange meetings for more information about moving forward.
- 10.3 It was noted that once the Health and Social Care Bill was published, CHRE would continue to work on this, as it progressed through Parliament. It would also engage with officials in the devolved administrations about their thinking on the scheme.
- 10.4 An issue was raised around a discontinuity of approaches to regulation of social workers across the UK, as separate regulation would be sought in the devolved administrations. This would particularly affect the transfer of the General Social Care Council to the new Health and Care Professions Council as it would be regulating for both competence and conduct, whereas in other jurisdictions, only conduct would be regulated.

## **11. CHRE's use of its powers under Section 29 of the NHS and Health Professions Act 2002: a review**

- 11.1 The Council reviewed this paper which had originally been requested by the Department of Health and was discussed at the Scrutiny Committee meeting in December. The paper outlined how CHRE used its powers under section 29, and provided background to a number of cases considered, results of case meetings and cases referred to court.
- 11.2 It was noted that CHRE's remit had been restricted by case law which had developed around section 29 and fitness to practise frameworks.
- 11.3 The Council heard that the number of cases CHRE considered had increased significantly, though few cases were being referred to court.
- 11.4 It was felt that a summarised review of cases, including statistics and background data regarding the above could be added to this year's annual report and accounts.

### **ACTION: RH and LA**

- 11.5 The Council congratulated the Director of Scrutiny and Quality on an excellent paper.

## **12. Any other business**

- 12.1 There was no other business raised.

## **13. Questions from members of the public**

- 13.1 There were no questions from members of the public.

## **14. Private session of Council**

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