

Minutes of the Authority meeting on 12 July 2023

Members present	Julia Chain Zeynep Gurtin Tim Child Alison Marsden Alison McTavish	Gudrun Moore Alex Kafetz Geeta Nargund Catharine Seddon
Apologies	Graham James Frances Flinter Jonathan Herring	Christine Watson Jason Kasraie
Observer		Online Steve Pugh (Department of Health and Social Care – DHSC) Amy Parsons (DHSC)
Staff in attendance	Peter Thompson Clare Ettinghausen Rachel Cutting Paula Robinson Shabbir Qureshi Debbie Okutubo	

Members

There were nine members at the meeting – six lay and three professional members.

1. Welcome and declarations of interest

- 1.1.** The Chair opened the meeting by welcoming Authority members, HFEA staff and DHSC colleagues present.
- 1.2.** The Chair also welcomed observers online and stated that the meeting was audio recorded in line with previous meetings and for reasons of transparency the recording would be made available on our website to allow members of the public hear it.
- 1.3.** The Chair commented that in view of the relatively large number of apologies, a decision had been taken to reschedule our consideration of our proposals for legislative reform to a separate additional meeting, which would be held on Monday, 17 July. It was noted that the meeting would be online, and as usual would be open to the public to observe.
- 1.4.** Declarations of interest were made by:
 - Tim Child (PR at a licensed clinic)
 - Alison McTavish (Trustee at Progress Educational Trust (PET) and British Fertility Society (BFS))
 - Geeta Nargund (Clinician at a licensed clinic) and
 - Catharine Seddon also placed on record her recent appointments to the disciplinary committee of the Royal College of Veterinary Surgeons and as an Institute Director of the Chartered Insurance Institute. In that capacity she has also been appointed as a Board Director for the Personal Finance Society, which entailed also becoming a company director.

2. Minutes of the last meeting and matters arising

- 2.1.** Members agreed that the minutes of the meeting held on 17 May 2023 were a true record and could be signed by the Chair.

Matters arising

- 2.2.** Members were advised that matters arising were either being actioned or on the agenda.
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3. Chair and Chief Executive's report

- 3.1.** The Chair gave an overview of her engagement with key stakeholders, her attendance at sector related events and the decision-making committees of the Authority.
- 3.2.** The Chair commented on the all-staff event that she attended on 10 July 2023 and noted that it was an opportunity for staff, both home and office based to come together in person. It was a well-attended day and something that she took away from it was how the board could usefully have more time with members of staff.
- 3.3.** On the Code of Practice, it was noted that there were some minor changes which did not change the policy positions of the code and that these changes had been signed off by the Chair. The Code of Practice will be sent to the Secretary of State for Health and Social Care for approval before it can be published.
- 3.4.** The Chief Executive provided an update on the key external activities and commented on the all-staff event, noting that it was an opportunity to reflect on what staff found most valuable.
- 3.5.** Members were advised that we had appointed a new shared Director of Finance and Resources, Tom Skrinar, joining us near the end of August 2023. The Chief Executive thanked the Head of Finance for the enormous work she continues to do with her team since the departure of the previous Director of Finance and Resources, Richard Sydee, in July and before Tom Skrinar starts in August.
- 3.6.** The Remuneration Committee had met and members were advised that following new Government guidance an additional non-consolidated payment of £1,500 was to be paid to all staff below the senior management team in July. The Chief Executive commented that this was a good thing for staff, however it was not centrally financed so would have to be found from HFEA budgets. The one-off payment was in addition to the annual pay award business case which had been sent to the DHSC for consideration. Any pay rise, once approved, will be backdated to August if not paid that month.
- 3.7.** On the public body review it was noted but this should be concluded in the Autumn.

Decision

- 3.8.** Members noted the Chair and Chief Executive's report.
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4. Committee Chairs' reports

- 4.1.** The Chair invited Committee Chairs to add any other comments to the presented report.

- 4.2.** The Licence Committee Chair (Alison Marsden), gave an overview of the last committee meeting. She thanked the Deputy Chair of the committee (Graham James) for the work he and other committee members were doing and the high volume of work they continued to take on.
- 4.3.** In the absence of the Statutory Approvals Committee (SAC) Chair (Jonathan Herring), the Deputy Chair of the Committee (Gudrun Moore) commented on the meeting held in June and stated that they had a straightforward meeting with nothing exceptional to report.
- 4.4.** The Audit and Governance Committee (AGC) Chair, Catharine Seddon gave a summary of the meeting held in June and informed members that the Authority was given a ‘moderate’ assurance rating by the internal auditors to the organisation’s governance arrangements, risk management and systems of internal control. Continuing, the AGC Chair noted that the committee was particularly pleased to hear about the progress made on meeting the requirements of the DSPT. On recruitment of the AGC external member, one new committee member will take up position on the 1 October 2023 and Mark McLaughlin and Geoffrey Podger, the two external committee members were thanked for their contributions as their terms of office were coming to an end.

Decision

- 4.5.** Members noted the Committee Chairs’ reports.

5. Annual Performance report 2022/2023

- 5.1.** The Risk and Business Planning Manager presented this item. Members were advised that staff sickness absence rates over the last year were mostly below the key performance indicator of 2.5%. When it did peak it was partly due to seasonal coughs and colds and three staff members being on long term sickness.
- 5.2.** On turnover, it was noted that this improved steadily throughout the year, but members were advised that for June 2023 this might peak again due to a higher number of leavers that month.
- 5.3.** Members were informed that OTR performance had been complicated by staff turnover and the need to develop and test a new case management system. The new system is due to go live in August 2023 and it is anticipated to make the process more efficient and reduce the turnaround time of OTR requests. Members were also assured that there will be a clearer understanding of how quickly the backlog would be reduced once the new system was in use and had been embedded. A new team structure was also in place which should bring stability and, together with the new case management system and improved PRISM tools for data extraction, greater productivity in future.
- 5.4.** On parliamentary questions and freedom of information (Fol) requests members were advised that all these were processed within the agreed required timescales.
- 5.5.** The Licensing team had dealt with high volume of activity (both Committees and Licensing Officer). Some items had been complex and protracted, requiring more than one meeting with some extending into the 2023/24 business year. Members noted that most minutes were delivered within our KPI.
- 5.6.** Delivery of the 2022/23 inspection schedule was challenging for several reasons. The effect of extension of licences and deferment of inspections during the pandemic increased the number of inspections to complete. There was also a need for extra inspections to be fitted into the schedule where significant compliance concerns or whistleblowing allegations arose.

- 5.7.** In response to a question on whistleblowing, the Director of Compliance and Information commented that Inspectors leave cards at clinics for clinic staff to contact the HFEA should they have concerns.
- 5.8.** Members were also informed that there was increased sickness (including long term sickness) and an unusually high turnover in the inspection team in the year under review. Inspectors had had to take responsibility for extra clinics into their portfolios which increased their workload in relation to additional inspections, clinic enquiries, incidents, and patient complaints.
- 5.9.** Members noted that the inspection reporting KPIs were under review. However, despite the challenges outlined above, it was noted that all clinics had their licences issued within the timescales required, even when the end-to-end licensing KPI had been missed. Looking ahead, staff recruitment and training as well as use of external inspectors were all in the pipeline and would help ease pressures in the medium to long term. Scheduling would also be reviewed for the next inspection year.
- 5.10.** On debt collection within 40 working days, members were advised that we issued estimated invoices in July covering a 3-month period. This caused an increase in the 40 working days KPI as clinics delayed payment to better understand the basis for invoices raised. It was noted that this was improving slowly as more focus was applied after year end had been finalised.
- 5.11.** In response to a question on debt collection performance, members were informed that treatment cycles were down but it was too early to say if this was a trend. Looking ahead to 2023/24, we currently overspent – a position exacerbated by the non-consolidated payment to staff referred to earlier. It was noted that if treatment cycle activity increased to its trend level then we would be in a stronger financial position. Members were reassured that this was being discussed at senior management team (SMT) level and was being actively managed.
- 5.12.** On social media engagement, followers remained broadly stable on Facebook and Twitter but we were seeing a steady increase on LinkedIn and, from a low base, on Instagram where we aimed to engage with people going through or considering fertility treatment. Members congratulated the team on social media engagement.
- 5.13.** Members asked about the high staff turnover. The Chief Executive responded that a lot of work had been put into engaging with staff and it was therefore difficult to point to particular things that were causing staff to leave the organisation beyond a desire for pay and promotion opportunities that were limited at the HFEA due to the small size of the organisation.
- 5.14.** The Chair commended the Inspectorate team, whom she said were doing a great job especially with staff absences and the remaining staff having to cover for their colleagues as this team carried out core statutory duties.

Decision

- 5.15.** Members noted the annual performance report.

6. Performance report

- 6.1.** Turning to the latest monthly performance report, the Chief Executive commented on the four red indicators for the month of May, which are:

- HR1 –Staff sickness rate - Three employees remained on long term sick during May. All are being closely monitored and referred as necessary. Two employees have been absent this month due to work stress - both have returned.
- C2 –Inspection reports sent to PR within 20 working days - Sickness absence, maternity leave and staff turnover significantly impacted negatively this month.
- C4 –End to end licensing reports within 70 working days - Three reports were over their KPIs, two at 75 working days and one at 84 working days.
- F2 –Debtor days - Debt collection was the focus throughout the month of May and this continued into June to bring the outstanding debt figure down. Over 50% of the debtors balance relates to prior year(s) and would remain the top priority.

6.2. On PRISM, activity levels were now stable with an error rate of 3.8%. On Choose a Fertility clinic (CaFC), we are continuing to encourage clinics to address errors and we have reiterated our CaFC timescales and best-and worst-case scenarios.

6.3. Members were advised that on opening the register (OTR), the planned target was to complete the reports required for the OTR team by the end of July 2023. The Register Team have successfully tested the manual matching system.

Compliance and Information

6.4. The Director of Compliance and Information gave an update. Members were informed that resourcing remained a challenge due to staff turnover / recruitment, long term sickness, maternity leave and increased inspection numbers. A decrease in inspector team numbers meant each inspector working has an increased number of clinics in their portfolios. KPIs were therefore challenging to meet and are under review. It was noted that the schedule was being finalised for the period up to March 2024.

6.5. On OTR, PRISM tools should be ready by August when we will be switching over to a new IT system. OTR applications would then be easier to process.

6.6. We were also working on the business continuity plan. A member commented that beyond the DSPT, we had assurance that our IT was secure especially in relation to cyber security updates implemented regularly by the IT team.

6.7. The Director of Compliance and Information also commented that we regularly carry out penetration testing on our systems and filter out phishing emails.

Strategy and Corporate Affairs

6.8. The Director of Strategy and Corporate Affairs gave an update. Members were informed that we published our fertility trends report in June and it had received widespread media coverage. The Director thanked the Research and Intelligence and Communications' teams for their hard work in getting the report produced and published.

6.9. Members were also informed that the Licencing team and the Risk and Performance team in the wider Planning and Governance team have been extremely busy. Colleagues had also been working on progressing specific pieces of work, such as proposals on law reform.

6.10. Future planned publications included the annual State of the Sector Report in the Autumn, the proposals for law reform and an update on Ethnic disparities in fertility treatment report later in the

year. We are also working hard to publish data in different ways to ensure it can reach people in more easily accessible ways.

- 6.11.** Members were reminded that the Competition and Markets Authority (CMA) started working with us on adherence to consumer law on fertility treatment about three years ago. It was noted that the final part of their work with clinics was now in progress to agree a way of providing information on prices that would enable patients to more easily compare different clinics.
- 6.12.** On treatment add-ons, it was noted that SCAAC will review the add-ons using the new rating system at the meeting in July and our website would be updated after that and clinics and patients informed of the new system.
- 6.13.** The Chair commented that there was an excellent working relationship with the CMA, and although they would not be working indefinitely in the fertility sector, we were appreciative of the work they had been undertaking.

Decision

- 6.14.** Members noted the performance report.
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7. Strategy 2024-25

- 7.1.** The Head of Planning and Governance presented the report. Members were reminded that at the May 2023 Authority meeting members agreed:
- That the current strategy should be extended by one year and that the development of the new strategy should follow in 2024 and
 - That we should develop and communicate a clear picture of the further work on the current strategy that will be done in the business year April 2024-March 2025.
- 7.2.** Members were presented with a report outlining the activities we could include in the business plan for the one-year extension period.
- 7.3.** Members suggested that under the 'right information' or 'best care' sections of the strategy, more work on ethnic disparity (in relation to planned work on the Government's women's health strategy) would be welcomed, following on from work that has already begun. It was agreed that this should be broadened to cover wider health inequalities, informed by available data. This could be a potential theme in the next strategy.
- 7.4.** Members discussed regulatory transparency and the need to develop further clarity on what this would mean in terms of the way we do our work. It was suggested that impact metrics may be useful to monitor the impact of our interventions over time.
- 7.5.** Developing our position on the use of HFEA information and data, given the rise in online providers, was welcomed. The use of our data and how we make it available was also likely to form part of our next strategy.
- 7.6.** Other proposals set out in the paper were agreed for further work as the business plan for 2024/25 was developed over the coming months. The Chair thanked the Head of Planning and Governance and her team for the planning work to date.

Decision

- 7.7.** Members approved the approach set out in the report and noted that further development would be done shortly during the business planning process, in liaison with the Corporate Management Group (CMG).

8. Opening the Register - update

- 8.1.** The Directors of Compliance and Information and Strategy and Corporate Affairs presented the update on Opening the Register (OTR).
- 8.2.** The workstream update on the OTR systems was discussed. It was noted that good progress was being made on the integration of the new IT system for managing applications.
- 8.3.** The ongoing risks associated with OTR were also noted.
- 8.4.** Members requested that the questionnaire being developed to gather views from people affected by donation issues on the future of support services which would be launched by the end of July be circulated in draft form to some members.
- 8.5.** In response to a question on PRISM the Director of Compliance and Information commented that once we get the register tools required to extract data from the register and the case management system in place and embedded, we will be able to assess how long it takes to respond to applications.
- 8.6.** The Chair commented that at the all-staff event on 10 July, we had a presentation from DCN (Donor Conception Network) which was on the user perspective and that the HFEA continued to work with them.

Action

- 8.7.** The questionnaire being developed to gather views from people affected by donation issues on the future of support services which would be launched by the end of July be circulated in draft form to some members.

Decision

- 8.8.** Members noted the update on OTR.

9. Any other business

- 9.1.** The Chair commented that there will be a Board away day later in the year, most likely in November. The Chair stated that this will be over two days and asked that members please make themselves available.
- 9.2.** The Chair also mentioned that we were looking at a future Persons Responsible (PR) event and were considering both timing and content.
- 9.3.** The Chief Executive commented that this was the last meeting of the Governance Manager, Debbie Okutubo, as she would be leaving the HFEA at the end of the month. Debbie was thanked for her support to the Board over the last four years. The Chair reiterated this on behalf of the Board.
- 9.4.** Members were advised that Alison Margrave will be replacing Debbie and she would start shortly.

- 9.5.** Lastly, members were reminded that the discussion on our law reform proposals would take place on Monday 17 July.

Chair's signature

I confirm this is a true and accurate record of the meeting.

Signature

A handwritten signature in black ink that reads "Julia Chain". The signature is written in a cursive, flowing style.

Chair: Julia Chain

Date: 13 September 2023