

Minutes of Authority meeting 16 September 2020

Details:

Area(s) of strategy this paper relates to:	The best care – effective and ethical care for everyone The right information – to ensure that people can access the right information at the right time Shaping the future – to embrace and engage with changes in the law, science and society
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Agenda item	2
Meeting date	11 November 2020
Author	Debbie Okutubo, Governance Manager

Output:

For information or decision?	For decision
Recommendation	Members are asked to confirm the minutes of the Authority meeting held on 16 September 2020 as a true record of the meeting

Resource implications

Implementation date

Communication(s)

Organisational risk Low Medium High

Annexes

Minutes of the Authority meeting on 16 September 2020 held via teleconference

Members present	Sally Cheshire Margaret Gilmore Anita Bharucha Anthony Rutherford Emma Cave Anne Lampe	Jonathan Herring Gudrun Moore Ruth Wilde Yacoub Khalaf Ermal Kirby Kate Brian
Apologies	None	
Observers	Steve Pugh Marina Pappa	(Department of Health and Social Care - DHSC)
Staff in attendance	Peter Thompson Clare Ettinghausen Richard Sydee Dan Howard Joanne Triggs	Yvonne Akinmodun Rachel Cutting Helen Crutcher Catherine Drennan Debbie Okutubo

Members

There were 12 members at the meeting – eight lay members and four professional members.

1. Welcome, apologies and declarations of interest

- 1.1. The Chair opened the meeting by welcoming Authority members, the public and staff present online. She stated that the meeting was audio recorded in line with previous meetings and the recording would be made available on our website to allow members of the public who were not able to listen in during deliberations to hear it afterwards.
- 1.2. There were no apologies for absence.
- 1.3. Declarations of interest were made by:
 - Yacoub Khalaf (PR at a licensed clinic)
 - Anthony Rutherford (clinician at a licensed clinic)
 - Ruth Wilde (counsellor at licensed clinics)
 - Kate Brian (working at Fertility Network UK).

2. Minutes of the meeting

- 2.1. Members agreed that the minutes of the meeting held on 17 August 2020 were a true record and be signed by the Chair.

3. Performance report

- 3.1. The Chair invited the Chief Executive (CE) to present the performance report for the period ending July 2020 to the Authority.

- 3.2.** It was noted that there were two red indicators (debt collection and debtor days) and both were related to the impact of Covid-19 upon clinics and reduced income for the HFEA during this period.
- 3.3.** The CE informed members that employee turnover was down and currently in target. He explained that this was welcome news and was probably due to a combination of the impact of Covid-19 which had meant that there were fewer roles being advertised and the fact that a number of staff were successfully working from home.

Strategy and Corporate Affairs

- 3.4.** The Director of Strategy and Corporate Affairs gave an overview of her area. Members were advised that the treatment add-on pages on our website had been recently updated with more information and we were now in the process of carrying out user-testing from patients on these web pages. A paper on treatment add-ons would be brought to the November Authority meeting.
- 3.5.** In relation to EU exit, Members were reminded that the end of the transition period is 31 December 2020. From that date, licensed clinics in Northern Ireland (NI) would remain subject to aspects of the EU regulatory rules and clinics and the rest of GB would not. We would be working to set up a 'regulator within a regulator' to effect these changes and would be returning to Authority in November with more information.
- 3.6.** Members asked about EU exit and if there were any concerns about clinics getting supplies from abroad. The Director of Strategy and Corporate Affairs responded that clinics had confirmed that they were confident about supply issues and hoped that there would be minimal disruption.
- 3.7.** In discussion, Members queried why embryo glue was no longer on the treatment add-ons list. The Director of Compliance and Information responded that embryo glue was still included as a treatment add-on but it was now called by its non-commercial name – hyaluronate enriched medium.
- 3.8.** In response to another question, the Chair of the Scientific and Clinical Advances Advisory Committee (SCAAC) confirmed that observers were welcome to attend their meetings.

Compliance and Information

- 3.9.** The Director of Compliance and Information commented that at the last meeting permission was given by the Authority to restart inspections of licensed centres and that these had been scheduled from November 2020 to April 2021:
- centres to be inspected had been prioritised
 - logistics were being worked out
 - PPE packs were being sourced
 - the Inspection team were being supported
 - risk assessments were being carried out in the teams and policies revisited where necessary.

Finance and Resources

- 3.10.** The Director of Finance and Resources provided an overview of the financial position. Reduced clinic activity because of the pandemic had meant there was a projected shortfall of up to 50% in our income. Following discussion with the Department of Health and Social Care (DHSC) we had reached an agreement where we would remain operational though a combination of additional Grant-in Aid and the use of our cash reserves.

- 3.11.** Regarding the future fees work, the Director of Finance commented that it was not appropriate to consult on it at this time due to the impact of Covid-19 on the sector. We were in conversation with the DHSC and we would revisit this in 2021.
- 3.12.** The Chair asked why we were forecasting a deficit rather than a balanced budget and another member asked how well could we predict our treatment (and therefore income) levels compared to where we were last year. The Director of Finance and Resources responded that we were reporting in line with government accounting rules and that we were managing the financial position actively to return a balanced budget by year end.
- 3.13.** The CE confirmed that treatment levels would determine if we would need additional Grant-in-Aid to enable us to arrive at a balanced budget.
- 3.14.** The Director of Finance and Resources advised members that the impact of Covid-19 on the wider construction sector meant that our planned office move to Stratford was unlikely to take place this calendar year.
- 3.15.** It was noted that the earliest move date we were looking at was the first week in January 2021. In the meantime, to support staff who were struggling to work from home on a permanent basis we had reached agreement with the Care Quality Commission (CQC) in Victoria to use some of their office space from October to the end of this calendar year and staff had been made aware of this. This was to support the mental wellbeing of those staff who were finding it difficult to work from home, as well as those who have unsuitable space for indefinite home working. In response to a question it was noted that CQC had their current office space until March 2021.
- 3.16.** The CE commented that we were also going to look at the bigger picture of what home-office balance meant post Covid-19 and we needed to reach an agreement as to what we should best use the office for.
- 3.17.** Members commented that the Senior Management Team (SMT) and all staff were doing a very good job and offered their thanks.
- 3.18.** Members asked for a status update on Opening the Register (OTR). The Director of Compliance and Information responded that there was a backlog due to the service pausing its operations during lockdown but there was an ongoing discussion with the team on how and when the service will be re-opened.
- 3.19.** The Chair concluded by thanking all staff for managing our operations during the pandemic and reiterating that we would continue to respond to future events as best we could, for example if we have a second wave of Covid-19 and what the impact of that could be.
- 3.20.** Members noted the performance report.

4. Covid-19 updates

- 4.1.** The Director of Compliance and Information gave an overview. Covid-19 patient and media enquiries had reduced significantly so there was nothing specific to report from the Strategy and Corporate Affairs perspective.
- 4.2.** We were working with the sector and reporting performance back to the DHSC and NHS England. Comparing clinic activity with 2019, NHS funded cycles were at 64% of the activity level of 12 months ago whilst privately funded cycles were at 89%.

- 4.3.** It was noted there were a number of reasons for the reduced activity including:
- pre-screening requirements for clinic visits was time consuming
 - clinic appointments were taking longer
 - getting COVID-19 tests was proving difficult
 - children going back to school had meant that those clinic staff that had children of school age needed to take time off when children were sent home
 - there are delays in reopening NHS gynae outpatient services and fewer GP appointments which was leading to reduced referral numbers.
- 4.4.** The Chair requested that anecdotal evidence where clinics were not communicating clearly with their patients should be reported via the inspection teams.
- 4.5.** Members commented that some patients were also finding it difficult to telephone clinics due to fewer clinic staff being available.
- 4.6.** The Chair commented that the lack of diagnostic tests, fewer GP appointments and non-urgent appointments being cancelled, were causes for concern and asked if the DHSC representatives could take this up. The DHSC representative confirmed that they would, following further discussion with the HFEA executive.
- 4.7.** Members noted the Covid-19 updates.
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5. PRISM

- 5.1.** The Chief Information Officer presented to the Authority. It was noted that the Audit and Governance Committee (AGC) was providing oversight on PRISM and the next meeting was on Friday 18 September 2020 to discuss progress.
- 5.2.** In terms of progress to date the meeting noted:
- the new data standard
 - PRISM system development including functional testing
 - data quality improvements
 - infrastructure and security, and
 - third party system interfaces had all been completed.
- 5.3.** In terms of the framework for sign off and launch, it was reported that we were on track to begin the launch process this autumn. The AGC had the delegated authority to oversee its launch.
- 5.4.** The sign off date was crucial as there were other factors to consider including
- the office move, and
 - the necessary migration of the current data submission system.
- 5.5.** The Chair noted that PRISM would be released to the sector in approximately three weeks and that training would follow. The Chair commented that we would not go live with the PRISM system if it was not working as it should.

- 5.6.** The AGC Chair thanked staff and clinics for the work done to date and reiterated that accuracy was the key thing for the AGC and that they were keeping a close eye on PRISM as it was approaching its final launch stage.
- 5.7.** The Vice Chair of the AGC commented that the assurance they were going to be looking for at the next meeting was that the PRISM system was ready. Also, in the event that there was a second wave of Covid-19 that it could cope. The AGC would also be considering the impact of the office move and the need for contractors to stay through the launch period to ensure continuity of expertise in the face of any launch issues.
- 5.8.** The CE commented that data quality was of the utmost importance. He noted that he was confident that we could start the launch process in a couple of weeks and that integrated testing would tell us about accuracy.
- 5.9.** The Chair stated that we would update the Authority after the AGC meeting on Friday 18 September.
- 5.10.** Members noted the status update on PRISM.
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6. Equality and diversity

- 6.1.** The Chair invited the Head of Human Resources to present this item. It was noted that HFEA compared favourably when measured against both the DHSC and the Civil Service in all areas (gender and BAME) other than disability, where we are consistent when measured against other bodies. The Board represented a similar pattern to staff with 25% of Authority members from a BAME background.
- 6.2.** The Head of Human Resources thanked Ermal Kirby and Anita Bharucha for their input into the report.
- 6.3.** Members were advised that the DHSC had suggested that all its ALBs should consider signing up to the Race at Work Charter. HFEA was in a position to meet the five criteria for this Charter, which were:
- appoint an Executive Sponsor for race
 - capture ethnicity data and publicise progress
 - commit at Board level to zero tolerance of harassment and bullying
 - make clear that supporting equality in the workplace remained the responsibility of all leaders and managers and
 - take action that supported ethnic minority career progression.
- 6.4.** In terms of next steps, it was noted that there were planned in-depth studies of the different types of family formations following fertility treatment and on access to, and outcomes of that treatment. In addition, there would be a similar in-depth study on patients from a BAME background carried out in 2021.
- 6.5.** Members commented that it was a great paper and supported the race at work charter. Also, whilst they were in support of having a champion at board level for equality and diversity, HFEA would be better served if equality and diversity was not an add-on but the norm.
- 6.6.** Regarding unconscious bias training, members suggested that the training should be extended to board members.

- 6.7.** Members further commented that with 80% of staff being female, work should be considered to attract more male staff.
- 6.8.** The Authority approved the proposal to sign up for the Race at Work Charter and to have a small Board team championing EDI.
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7. Marking 30 years of the HFEA – planning for 2021

- 7.1.** The Director of Strategy and Corporate Affairs introduced this report. Members were reminded that the HFEA will mark its 30th anniversary in 2021. The HFE Act was also now 30 years old.
- 7.2.** Activities to mark the anniversary were being planned for 2021, although the ongoing Covid-19 pandemic may change what we are able to do.
- 7.3.** The activities and events would be used as opportunities to:
- celebrate the UK's achievements in having an effective regulatory regime
 - look to the future of regulation of fertility treatment and research, and
 - build a public conversation about future treatment and regulation.
- 7.4.** The annual Persons Responsible (PR) event which takes place in November would be an opportunity for the Chair to talk to PRs about some of the issues and challenges outlined.
- 7.5.** It would also be an opportunity to discuss the impact of the Covid-19 pandemic and to outline the work that the Competition and Markets Authority had done on consumer protection law and the fertility sector.
- 7.6.** Looking to the future, it was suggested that the following areas of the Act should be considered:
- regulatory powers
 - patient safety
 - scientific changes and
 - societal changes.
- 7.7.** The DHSC representative suggested that once the plans and activities had been firmed up, HFEA should write to Lord Bethell giving him an update and inviting him to chair one of the anniversary events.
- 7.8.** The Authority approved the development of plans to mark the 30th anniversary of the HFEA.
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8. Business planning

- 8.1.** The Risk and Business Planning Manager presented the six-month business plan for 2020/21 and the outline for the intended content for the new 2021/22 business plan to the Authority.
- 8.2.** Members were reminded that both business plans would require the DHSC approval prior to publication.
- 8.3.** The list of activities for the strategic work for the six-month business plan for 2020/21 was explained to the Authority.
- 8.4.** Members suggested that as part of the narrative on suspended inspections for six-month period that the phrase 'in keeping with government policy' should be included.

- 8.5.** Members suggested that staff should take into consideration all the relevant legal and judicial rulings when dealing with consent in the Act.
- 8.6.** The CE responded that in time we might need to move to a simpler consent regime but that was a discussion for the future.
- 8.7.** The Authority approved:
- the six-month business plan for the second half of 2020/21
 - the outline plan for 2021/22, for it to be drafted in full and
 - noted the activities that would be scheduled in more detail later, for the final two years of the strategy delivery.

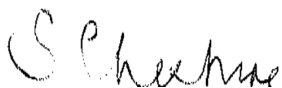
9. Any other business

- 9.1.** The Chair reminded everyone that the next Authority meeting was scheduled for 11 November 2020.
- 9.2.** The Chair thanked everyone who prepared a paper, staff and observers.

Chair's signature

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

Signature



Chair: Sally Cheshire

Date: 11 November 2020