

# Draft Minutes of the meeting of the Human Tissue Authority (HTA) Board

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**Date:** 7th March 2024

**Time:** 10.00 – 12.15 hours

**Venue:** Wandle 40/41, 2 Redman Place

**Meeting Number:** 107

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## Attendees:

### Board Members

Lynne Berry, HTA Chair (LB)

Mhairi Anderson (MA)

Tom Chakraborti (TC)

Gary Crowe (GC)

Helen Dodds (HD)

Andy Greenfield (AG)

Dave Lewis (DL)

David Lock KC (DLKC)

Jessica Watts (JW)

### HTA Executive

Colin Sullivan, Chief Executive (CS)

Louise Dineley, Director of Data, Technology and Development (LD)

Nicolette Harrison, Director of Regulation (NH)

Tom Skrinar, Director of Finance and Resources (TS)

John McDermott, Deputy Director for Performance and Corporate Governance (JMD)

### *Supporting officials in attendance*

Aidan McIvor, Board Secretary

Natasha Brosnan, Corporate Service Officer

### *Observers*

Sarjana Tharin, Data Analyst

Ruth Thornber, Communications Officer

### *Department for Health and Social Care*

Jacky Cooper, Policy Lead, Health Ethics Team

Ria Mukherji, Health Ethics Team

## Item 1 – Welcome and apologies

1. The Chair welcomed all to the 107<sup>th</sup> Board meeting including staff observers.
2. The Chair reported that because of a recent bereavement, Dr Colin Sullivan, CEO, would join the meeting from Northern Ireland by video link. The Chair thanked Dr Sullivan for joining the Board meeting, despite being on special leave.

3. The Chair reported because of recent rail disruption, Mhairi Anderson, and Jacky Cooper (DHSC), were obliged to join the meeting by video link.
4. Apologies were received from Ellen Donovan, who, with the Chair's prior agreement, was attending another Board meeting - of an NHS Trust.
5. At the invitation of the Chair, David Lock (DLKC) made a short personal statement. DLKC explained he had been absent from Board activities because of heart surgery he had undergone in early January 2024. DLKC said he wanted to share his experience of an unexpected diagnosis of a serious heart condition to raise awareness of the risks of heart disease and of the benefits of having an early diagnosis.
6. The Chair went on report that Aidan McIvor would leave the HTA on 5<sup>th</sup> April. The Chair thanked Mr McIvor for his recent service to the Board. It was noted that arrangements are in hand to find a permanent successor.

## Item 2 – Declarations of interest

7. The Chair asked Members to let Private Office know if they have any personal or pecuniary interests in the matters before the Board and to make sure the Private Office is kept informed of any changes in their areas of potential conflict of interest.

## Item 3 – Minutes of 7<sup>th</sup> December 2023 & Matters Arising

8. The revised minutes of the meeting of 7<sup>th</sup> December 2023, which had been circulated for comment after Christmas, were adopted by the Board as an accurate record of the meeting.
9. The Chair noted the two actions from the last meeting, one of which remained open: *to keep the Devolved Administrations informed about developments around fees*. Tom Skrinar (TS) advised discussions are due to take place. The Chair asked for an update at the next Board meeting on 28<sup>th</sup> June.
10. **Action:** Tom Skrinar to provide the Board with an update on discussions with the Devolved Administrations at the Board meeting on 28<sup>th</sup> June 2024.

## Item 4 – The Chair's Report

11. Chair gave the following update.
  - Meetings with DHSC and other meetings with Chairs and Chief Executives

- of Arms-Length-Bodies (ALBs).
- Planning for the stakeholder event on 27<sup>th</sup> June at 2 Redman Place, which Board members will attend.
  - Board dinner – This will take place on 27<sup>th</sup> June, details to follow.
  - June Board - The Board meeting in June has been put back by one day to 28<sup>th</sup> June because of the stakeholder event.
  - Board held in public – This will now take place on 19<sup>th</sup> September.
  - Northern Ireland Board Member – An appointment is not expected soon.
  - End of year meetings / objective-setting: for Board members, these will take place on 11<sup>th</sup>/12<sup>th</sup> and 14<sup>th</sup> March; for the Chair: it is planned for 5<sup>th</sup> April.

## **Item 5 – Update from DHSC Sponsor Team**

12. Jacky Cooper (JC) gave an oral update which centred on the following.
- (i) New staff – Ria Mukherji joined the team the w/c 26<sup>th</sup> February.
  - (ii) Ministers - Ministers' focus is on delivering the Government's agenda, ensuring resources are deployed to key areas. This includes a push on efficiency and reform. JC said she was very grateful to HTA colleagues for their help with many commissions over recent weeks.
  - (iii) Public Bodies Review – Cabinet Office have asked the Secretary of State to set out DHSC's priorities for 2024/25. This should provide the HTA with clarity as to what might be in scope and when the review will be likely to begin.
  - (iv) Finance – New staff have joined the DHSC Team for ALB Finance
  - (v) Secondment – DHSC is in discussion with Nicky Harrison about arranging a secondment opportunity from DHSC to HTA.
  - (vi) Duty of Report – The Human Tissue Act 2004 (Supply of Information about Transplants) Regulations 2024 were laid before Parliament on 1 March 2024 and will come into force on 1st April 2024.
  - (vii) Fuller Inquiry – The Sponsor team is seeking a response from Ministers as to what form the Ministerial response will take during the spring.
  - (viii) The Maidstone and Tunbridge Wells NHS Trust have published an assurance statement about the Trust's implementations of the Fuller Inquiry's findings. This is publicly available on the Trust's website.
  - (ix) Local Elections in May 2024 – Cabinet Office will publish guidance soon about the pre-election period for HMG departments and ALBs.
13. The Chair thanked JC for the report, which was noted by the Board.

## **Item 6 – Chief Executive's Report**

14. Colin Sullivan (CS) presented highlights from the Chief Executive's Report.

These included updates on (a) the volume of police referral cases for organ transplant cases, which the Board noted has increased since 2022/23; (b) winter pressures on mortuaries, which has been less than in previous years; (c) work on the Fuller Inquiry Phase II; and (d) the completion of the interim 2023-24 Data Security and Protection Toolkit submission, which was submitted by the deadline of 29<sup>th</sup> February. The Board also noted plans for a joint Board Development Day with the Health Service Safety Investigation Body, which will take place at 2 Redman Place in September.

15. The Chair welcomed the report and sought the Board's comments. They centred on the following areas.
16. *Police referral cases* – David Lock (DLKC) asked if the HTA has a Memorandum of Understanding (MoU) with the police. Nicky Harrsion advised that the HTA has an MoU with National Police Chiefs Council and the Home Office and cited recent collaborative discussions with the police in Yorkshire.
17. *Cross-body working* – When asked about the benefits of cross-body working, CS cited some instances, for example, with the UK's medicines regulator, the MHRA. The Board noted the progress and engagement of HTA with other players whilst recognising the challenges of bandwidth' for an organisation as small as the HTA. The Board also noted the learning from enforcement and regulatory assessments' work.
18. The Chair thanked CS for his report, which the Board noted.

## **Item 7 – HTA Performance Report**

19. Colin Sullivan (CS) presented the quarterly Performance Report. The Board noted the thirteen Key Performance Indicators set out at Annex A. Of these, ten were green, two were amber and one was rated red. CS explained the HTA is on track to carry out 222 regulatory assessments. CS also reported that from the overall portfolio of projects, two were marked 'red' because of funding constraints: (a) Duty to Report and (b) Regulatory Insight Model and Index (RIMI). The Board noted both these activities were set to continue during the FY 2024/25.
20. CS concluded by reporting on (a) Designated Individuals (DI) webinar on 1st December 2023, which attracted over eighty participants, and which was a major success; (b) the development of the IT Strategy, which will come to the Board in June; and a range of other ongoing work.
21. The Chair thanked CS for his paper and invited comments from the Board.

These centred mainly around staffing.

22. While noting the current attrition rate and the attention being given to it by the Executive, the Board recommended that, in addition to exit interviews, the HTA should also carry out 'stay' interviews to gain a better understanding of why so many staff are content to remain in post, some for many years. The Board cited the vital importance of staff development and training, as well as well-managed appraisals and personal development plans. These, together with a range of initiatives and processes will be weaved into a People Strategy making better use of statistical analysis to understand staff absence, e.g., whether from the common cold or work-related stress. The Board agreed with CS of the importance of ensuring the recruitment process works well, ensuring most staff, if not all staff, appointed to post pass their probation period.
23. CS and Tom Skrinar (TS) concluded by summarising a range of initiatives with CQC and with the HTA, including the better interrogation of management information and the recruitment of a new Business Manager within the Resources Directorate.
24. The Board noted the Performance Report.

### **Item 8 – HTA Strategy**

25. Louise Dineley (LD) presented the draft HTA Strategy, 2024-2027, which the Board were asked to consider and endorse in principle. The Board noted there would be an opportunity to provide written comments after the Board meeting.
26. The Chair thanked LD for presenting the draft Strategy, noting that the Strategy was for the Board to comment on prior to it being submitted to DHSC for approval. The Chair invited comments from the Board, which centred on the following areas:
27. The Board commended LD and her colleagues on producing a high-quality draft Strategy, which it was noted was the product of extensive work which included consultations with staff, through a series of workshops, and stakeholders, including the Devolved Administrations.
28. The Board suggested that the narrative might include wording such as 'Our ambition is X, which we will do by Y'. While noting the quality of the Strategy, the Board highlighted the importance of explaining clearly what the HTA does and how it fulfils its remit. The Board went on to acknowledge the value of audits, and of having the ability to provide early warning signs if something is not on track.

29. LD thanked Members of the Board for their comments and, through the Chair, asked for any final comments to be submitted by close of 15<sup>th</sup> March.
30. **Action:** Board members to submit any final comments on the draft HTA Strategy by close of 15<sup>th</sup> March.

## Item 9 – HTA Business Plan

31. John McDermott (JMD) presented the draft HTA narrative Business Plan for 2024-2025, which the Board were asked to approve in principle, and which, subsequently, will be sent to DHSC.
32. The Chair thanked JMD for presenting the draft Narrative Business Plan and invited comments from the Board, which centred on the following areas:
33. The Board commended JMD and colleagues on the quality of the Business Plan and welcomed its upbeat tone. As regards Human Resources (HR), the Board suggested there should be a greater focus on helping staff ‘work smarter, not harder’. The Board noted planned work over the coming FY to bolster the HTA’s HR capabilities through the shared services arrangement and recruitment of a Business Manager in the Resources Directorate. The Board commented on the importance of the HTA’s Values and how they are expressed and asked about contingency planning.
34. JMD explained the HTA’s use of MoSCoW rating (M: Must do, S – Should do, C – Could do, W – Won’t do) for the Business Plan. – The Board suggested that the rating for the project on the People Strategy be changed to ‘M’: Must do.
35. As regards the enforcement role for Regulation, the Board asked if, in addition to ‘providing technical advice’, ensuring compliance across the sector be added to the wording.
36. JMD thanked the Board for their comments and, through the Chair, asked for any final comments to be submitted by close of 15<sup>th</sup> March.
37. **Action:** Board members to submit any final comments on the draft Narrative Business Plan by close of 15<sup>th</sup> March.

## Item 10 – Committee updates

38. The Board received updates on the work of the Audit and Risk Assurance

Committee (ARAC), and the Remuneration Committee (RemCo), which met on 26<sup>th</sup> January and 7<sup>th</sup> February 2024, respectively. On both occasions, up to four other Members of the Board joined the two meetings as observers.

39. The following highlights from both meetings were given.

*Remuneration Committee, 26<sup>th</sup> January*

- Dave Lewis (DL) presented the oral report on behalf of Ellen Donovan, Chair of the Committee. At the meeting on 26<sup>th</sup> January, the Committee considered two items: (i) Risk 4 – recruitment and retention of staff, and (ii) an update on Equality, Diversity, and Inclusion statistics.
- Thanks to Ellen Donovan, an introductory meeting is being arranged between the HTA and Qualifications Wales, a small public body which has also outsourced some of its services.
- The Board noted the Committee's recommendation that, where possible, research should be undertaken into where staff, especially females and those from ethnic minority groups, are in their careers and how they can be developed.
- The Board noted HTA staff were able to fully participate in Whitehall-wide events about Holocaust Memorial Day (27<sup>th</sup> January). The Board noted this was a good example of enabling staff to benefit from existing networks across HMG.
- The next meeting of the Committee is on 3<sup>rd</sup> May 2024.

*ARAC meeting of 7<sup>th</sup> February 2024*

Professor Gary Crowe (GC) gave an update on the ARAC meeting of 7<sup>th</sup> February. The highlights of the meeting were:

- On Internal Audit reports – we were able to approve next year's plan.
- Completion of outstanding actions – ARAC has noted welcome progress in this area.
- Cyber Security – ARAC welcomed the appointment of the new Head of IT, who took up his post in November, and planned enhancements.
- Strategic Risk Register – the format has been revised which is proving beneficial. The Board will need to consider the new strategic risks after the HTA Strategy and Business Plan have been agreed.
- Sector Risk Assessment – ARAC was very impressed with the work that has been done so far.
- Finally, a range of policies and documents, e.g., ARAC Handbook, were considered and approved by the Committee.
- The next meeting of ARAC is on 12<sup>th</sup> June 2024.

40. Chair thanked GC and DL for their updates.

### **Item 11 – Board Forward Plan 2024**

46. The Board noted the Forward Plan for 2024, which it was noted additional information would be added to ahead of the next Board meeting. The Chair commented that the health arms-length-bodies' (ALBs) network that Shona Dunn, Second Permanent Secretary at DHSC Chairs, is proving beneficial.

### **Item 12 - Any other business**

47. The Chair was not informed of any before the meeting and no urgent matters were tabled

48. Before the meeting concluded, at the invitation of the Chair, the staff observers shared their reflections on the Board meeting.

**Date of next meeting:** 28<sup>th</sup> June 2024 at 2 Redman Place.

### **Summary of actions:**

- **Item 3:** (Minutes and Matters arising): Tom Skrinar (TS) to provide the Board with an update on discussions with the Devolved Administrations at the Board meeting on 28th June.
- **Item 8** (HTA Strategy) Board members to submit any final comments on the draft HTA Strategy by close of 15<sup>th</sup> March.
- **Item 9** ( HTA Business Plan) Board members to submit any final comments on the draft HTA Business Plan by close of 15<sup>th</sup> March.