

Effective governance

Strategic delivery:

- Safe, ethical effective treatment
 Consistent outcomes and support
 Improving standards through intelligence

Details:

Meeting	Authority
Agenda item	12
Paper number	HFEA (14/03/18) 876
Meeting date	14 March 2018
Author	Paula Robinson, Head of Planning and Governance

Output:

For information or decision?	For decision
Recommendation	To approve revised Standing Orders (vote – simple majority; requires two thirds of members (8) to be present) To note a summary of the annual reviews of committee effectiveness
Resource implications	In budget.
Implementation date	1 April 2018
Communication(s)	Standing Orders are published on our website and provided to all members. Our standard pack for licensing meetings is updated whenever a new version is agreed.
Organisational risk	<input checked="" type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High
Annexes	Annex 1: Standing Orders (revised)

1. Introduction

- 1.1.** As an effective and trusted regulator, the HFEA needs high quality decision making processes which are clear to clinics, patients and the wider public. To achieve that, we have a number of committees, with clear instructions from the Authority about how they should make decisions. The rules governing decision making are set out in our standing orders.
- 1.2.** The Authority is committed to an annual review of our governance arrangements, consisting of:
- a self-review of each committee's effectiveness; and
 - a review of our standing orders.

2. Standing orders

- 2.1.** The current standing orders have been active since April 2016, with the only change in 2017 being the addition of mitochondrial donation treatment decisions to the terms of reference for Licence Committee and the Statutory Approvals Committee. This followed the introduction into law of the Human Fertilisation and Embryology (mitochondrial donation) regulations 2015.
- 2.2.** Proposed changes in the standing orders relate to:
- Organisational changes since the last review (updated job titles and role changes reflected).
 - An added delegation to the Licensing Officer, so that we can implement the new EU requirements on imports.
 - Other non-substantive amendments to clarify and improve existing wording.
- 2.3.** Revised standing orders are attached at Annex A for the Authority's consideration. Track changes has been used to show the main changes.
- 2.4.** A 'notice of motion' was sent to members in advance of the meeting, in accordance with the requirements for variation or amendment, set out in section 1.3.1 of standing orders. The Authority may vary standing orders by a majority vote, provided at least two thirds of members are present and that the variation proposed does not contravene any statutory provision or a direction made by the Secretary of State.
- 2.5.** Authority members are also aware that the executive is currently conducting a review of the administrative servicing arrangements for the licensing function. The Senior Management team will consider options in April, and we will report to members at the May Authority meeting, with any recommendations that may require approval by members. It is possible that some changes may require the consideration of further revisions to standing orders.

3. Annual review of committee effectiveness

- 3.1.** All committees are required annually to reflect on their own effectiveness. For this we use a standard checklist framework developed within the HFEA, compiled from a range of available examples of committee review materials used by other bodies. Between October and February, this exercise was conducted by the Licence Committee, the Statutory Approvals Committee, the Executive Licensing Panel and the Scientific and Clinical Advances Advisory Committee.
- 3.2.** There is a specific effectiveness tool for Audit Committees, produced by the National Audit Office. The Audit and Governance Committee conducted its review on 6 March 2018, using the NAO's checklist, and feedback will be provided verbally at the Authority meeting.
- 3.3.** Generally the feedback from committees has been positive, with some improvement points raised. The reviews are summarised below.

Committee	Positives	Areas for improvement
Licence Committee	<p>Role clarity.</p> <p>Effectiveness of membership and skill mix.</p> <p>Quality of meetings and Chairing.</p> <p>Administrative and legal support.</p> <p>Well maintained separation of function between executive and committee.</p>	<p>With Member turnover in the coming year (including the committee's Chair and Deputy), handling and knowledge/expertise management will be important, including particular training for the new Chair.</p> <p>A more balanced workload across meetings is needed – agendas have been extremely variable in size. This leads to congestion and pressure in producing and finalising minutes.</p> <p>Communication between meetings regarding any legal developments.</p> <p>Legal advisers to be asked to volunteer more governance advice.</p>
Executive Licensing Panel	<p>Clear delegations, good role understanding by members.</p> <p>Skill mix and workload distribution.</p> <p>Volume is variable, but manageable.</p>	<p>Refresher legal training.</p> <p>Induction meeting with the Chair and Deputy Chair for new members.</p> <p>Earlier population of agendas to assist in balancing workloads.</p> <p>An annual workshop for members would enable points raised during the year (eg, in relation to consistency) to be shared among all panel members.</p>

Committee	Positives	Areas for improvement
	<p>Quality of discussions and Chairing.</p> <p>Administrative support and meeting organisation.</p>	<p>The scheduling of items could be improved, in relation to licence expiry dates and deadlines for the implementation of recommendations on non-compliances. These are often very shortly after the panel's meeting date, resulting in insufficient information or unnecessary time pressure, which could result in the centre needing to operate under special directions.</p>
Statutory Approvals Committee	<p>Role clarity.</p> <p>Skill mix; robust debates; valued expertise.</p> <p>Quoracy and meeting date management.</p> <p>Chairing and follow-up of issues between meetings.</p> <p>Communication with staff, the Authority and (where applicable) clinic staff; patient input to papers.</p>	<p>Adviser conflict management has been an increasing challenge. Where possible, a new adviser should be identified for the whole meeting.</p> <p>Legal Advisers need more regular experience of the meetings to stay up to date. This may mean using a smaller pool.</p> <p>A wider pool of mitochondrial donation experts is needed, and is being sought. This expertise is still comparatively rare, so building resilience may take time.</p> <p>Various suggestions for the administrative support of meetings, including agenda management, videoconferencing and file sharing improvements.</p> <p>The complex scientific nature of some agenda items has impacted on minuting speed.</p> <p>Senior governance advice would be helpful, particularly on complex matters.</p>
Scientific and Clinical Advances Advisory Committee	<p>Quality of discussions, expert support and papers.</p> <p>Skills and expertise.</p> <p>Frequency of meetings and volume of work.</p>	<p>Facilitate more input for members into the annual horizon scanning meeting at ESHRE.</p> <p>Ensure discussion remains focused.</p> <p>Ensure committee papers are sent to members as early as possible.</p>

Committee	Positives	Areas for improvement
	<p>New traffic light system for add ons working well.</p> <p>Secretariat support and minutes.</p>	
Remuneration, Appointments and Oversight committees	Formal reviews not undertaken due to infrequency of meetings.	
Appeals committee	<p>This committee reports on its activities separately, and in line with business years, in accordance with Regulation 9 of the Human Fertilisation and Embryology (Appeals) Regulations 2009. Its most recent report covers the year ending 31 March 2017. No appeals were heard in that period. In the ensuing year, there has been one appeal, which will be addressed in the next annual report.</p>	

4. Recommendation

The Authority is asked to:

- Approve the revised standing orders, to come into effect from 1 April 2018. (A vote is required.)
- Note the feedback from the annual reviews of committee effectiveness, and that action plans will be put into place for each committee.