

# Minutes of the Authority meeting on 17 August 2020

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## Details:

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Area(s) of strategy this paper relates to:	Safe, ethical effective treatment/Consistent outcomes and support/Improving standards through intelligence
Agenda item	2
Meeting date	16 September 2020
Author	Debbie Okutubo, Governance Manager

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## Output:

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For information or decision?	For decision
Recommendation	Members are asked to confirm the minutes of the Authority meeting held on 17 August 2020 as a true record of the meeting
Resource implications	
Implementation date	
Communication(s)	
Organisational risk	<input checked="" type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High

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Annexes

## **Minutes of the Authority meeting on 17 August 2020 held via teleconference**

Members present	Sally Cheshire Margaret Gilmore Anita Bharucha Anthony Rutherford Emma Cave	Jonathan Herring Ruth Wilde Yacoub Khalaf Kate Brian Anne Lampe
Apologies	Ermal Kirby Gudrun Moore	
Observers	None	
Staff in attendance	Peter Thompson Clare Ettinghausen Rachel Cutting Catherine Drennan	Joanne Triggs Helen Crutcher Debbie Okutubo

### **Members**

There were 10 members at the meeting – six lay members and four professional members.

## **1. Welcome, apologies and declaration 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 the previous meeting 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.** Apologies for absence were received from Ermal Kirby and Gudrun Moore.
- 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 extraordinary meeting**

- 2.1.** Members agreed that the minutes of the meeting held on 2 July 2020 be signed by the Chair subject to the corrections submitted prior to the meeting.

## **3. Covid-19 updates**

### **Compliance and Information**

- 3.1.** The Chair invited the Director of Compliance and Information to give an update on clinics.

**Authority**

- 3.2.** All licensed clinics had now opened with the exception of five small clinics previously reported at the July meeting. The continued closure of these smaller units was not of major concern as patients could choose to attend nearby licensed centres.
- 3.3.** The Director of Compliance and Information commented that some centres were reporting that activity levels were near normal whilst others had reduced activity. Compared to 2019, NHS funded cycles were now at 66% of the activity level of 12 months ago whilst privately funded cycles were at 86%. Geographically, there were no areas where licensed centres were not carrying out treatment or where patients could not access services.
- 3.4.** There were several reasons why levels of activity were down including reduced referrals and longer gaps between appointments due to the cleaning requirements and social distancing.
- 3.5.** Feedback from clinics suggested that the pandemic had presented both challenges and opportunities to reconfigure services in a more efficient manner (which was of interest to Ministers as part of their wider assessment of resumption of non-covid related medical services).
- 3.6.** On a positive note, licensed centres that were doing well included those that carry out in-house management of investigations or diagnostic services and had online consent integrated into their services.

**Next steps**

- 3.7.** Members were advised that we intend to continue to monitor the number of cycles on a weekly basis, engaging with the Department of Health and Social Care (DHSC) and NHS England (NHSE) and NHS Improvement (NHSI).

**Strategy and Corporate Affairs**

- 3.8.** The Director of Strategy and Corporate Affairs updated the Authority on patient and other enquiries. It was noted that general enquiries were increasing whilst Covid-19 related enquiries were reducing.
- 3.9.** Members asked about the online petition that had been started up in relation to immunosuppressive treatments, which some licensed centres offered. The Director of Strategy and Corporate Affairs responded that the petition was started by patients and we would engage with it using the response that we published on the FAQs on our website.

**Chief Executive**

- 3.10.** The Chief Executive commented that a meeting was held recently with Matt Hancock MP, Secretary of State for Health and Social Care as part of a number of meetings he was having on the resumption of non-covid related services. It was noted that the Secretary of State was trying to get a picture of what was working well and where there were still blockages in the system. Our transparency and proactive approach to reopening the fertility sector to patients was appreciated.
- 3.11.** Another meeting had been scheduled and we would provide the Secretary of State with an update on the statistics presented last time.
- 3.12.** The Chair commented that it was important that older women nearing the end of their eligibility to fertility treatment were provided with treatment quickly and were not disadvantaged. Members commented that there was still a backlog, and this could be detrimental to such women.

- 3.13.** It was noted that licensed centres were increasing the number of treatments offered and working towards full capacity, whilst remaining compliant.
- 3.14.** One member noted the strain on staff and asked if there was a way we could look into the working conditions of nursing staff at licensed centres.
- 3.15.** The Chair concluded that we would provide a further update at the next Authority meeting in September. She thanked the Directors and the teams involved in the presentations.

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## **4. Resuming inspections**

- 4.1.** The Director of Compliance and Information presented a paper seeking Authority approval to agree criteria that would guide the resumption of inspections.
- 4.2.** Members were reminded that the HFEA has a statutory duty to inspect licensed clinics every two years, and that duty included a site inspection of the licensed premises. The inspection cycle involved three types of inspections: initial, interim and renewal. In the last 6 months onsite inspections have not been undertaken because of the Covid-19 pandemic. There was therefore a justifiable reason why inspections had been cancelled.
- 4.3.** It was noted that most clinics were usually issued with a four-year licence, although the Act allowed for a licence of up to five years. Centres during the Covid-19 pandemic were assessed through a risk-based approach to determine if their licences could be extended to 5 years. Those centres where concerns were raised were noted and will be scheduled an inspection as soon as possible after inspections resume.
- 4.4.** Continuing, the Director of Compliance and Information stated that with restrictions easing, it is now appropriate to consider when and how to recommence inspections. Since the Covid-19 pandemic, our commitment has been to keep patients, clinic staff and HFEA staff safe. With this in mind, we now believed that inspections could resume provided the following criteria are satisfied:
- An inspection resumption strategy has been agreed with SMT and the compliance directorate
  - Risk assessments have been conducted for individual inspectors and each clinic
  - The government restriction on social contact and travel have eased
  - The inspection process has been modified to minimise onsite inspection time (including development of an appropriate Desk Based Assessment).
- 4.5.** Members were advised that unannounced interim inspections would be suspended and would be conducted with a minimum of a 2 weeks' notice period.
- 4.6.** Members commented that in relation to the annual conversations with persons responsible (PRs), this needed to allow for the transmission of information both ways, with space for PRs to raise any concerns and suggest better ways of working.
- 4.7.** Staff agreed and responded that there was a framework in place for such an exchange and that conversations were frequently taking place between inspectors and PRs in licensed centres. Also, most licensed centres had quality management systems where relevant documents required for the desk-based assessments (DBA) could be viewed via screen sharing to minimise time spent onsite.

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- 4.8.** Members commented that this new way of working needed to be encouraged even after the pandemic period was over.
- 4.9.** Members raised a concern that a number of other major corporate pieces of work were all happening within a short time period, for instance the office move, PRISM launch and resuming inspections. Members sought assurance that there were enough resources to deliver these pieces of work within the appointed timescales.
- 4.10.** The Director of Compliance and Information commented that November had been chosen for the resumption of inspections as it is a quiet month for the inspectorate. This would provide valuable experience for when the inspection schedule gets busier in January. Those centres deemed to be higher risk and those who were granted a five-year licence will need to be prioritised for inspection.
- 4.11.** Members commented that a good balance had been struck.
- 4.12.** In response to a question, it was noted that the inspectors were confident about the prospect of resuming inspections and that they had played a part in developing the strategy. Also, the risk assessment would identify vulnerable staff and not all inspectors would be expected to go out on inspections immediately.
- 4.13.** Regarding patient feedback as part of the inspection process, staff commented that we were looking into this and one way to still get feedback was to log in on zoom meetings between consultants and patients, albeit as unobtrusively as possible.
- 4.14.** In response to a question on unannounced inspections and the number of centres on the urgent action list, staff responded that there are four clinics on the urgent list and we would schedule these from January. Lastly, inspectors were in regular contact with these centres.
- 4.15.** The Chief Executive thanked the Director of Compliance and Information and her team and commented that resumption strategy provided a real opportunity to do things differently in the future.
- 4.16.** The Chair commented that we were working towards a more mature inspection regime and summed up the discussion. It was noted that subject to government restrictions being lifted the inspection resumption strategy was approved. Authority members would expect feedback at the November meeting. The Chair thanked the Director of Compliance and Information, the inspection team and all teams who continued to work in the background on Authority matters, including today the Policy team and the Planning and Governance team for administering the meetings.

**Decision**

- 4.17.** Authority members considered and commented on the criteria and approved that inspections should begin to restart from November 2020.

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**5. Any other business**

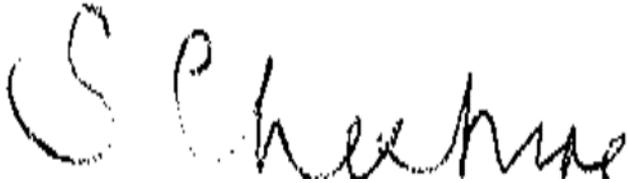
- 5.1.** The Chair reminded everyone online that the next meeting was scheduled for 16 September 2020.
- 5.2.** Items for the next meeting included the revised new strategy and business plan; equality and diversity; and how we might celebrate our 30th anniversary.

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## Chair's signature

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

Signature

A handwritten signature in black ink, appearing to read 'S Cheshire'. The signature is written in a cursive style with a large initial 'S'.

Chair: Sally Cheshire

Date: 16 September 2020