

HTA Board meeting, 27th June 2024

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| Agenda item | 2.3 Chief Executive's Report |
| For information or decision? | Information |
| Decision making to date? | N/A |
| Recommendation | The HTA Board is asked to note and comment by exception on the issues raised |
| Which strategic risks are relevant? | All |
| Strategic objective | All |
| Core operations / Change activity | Core operations |
| Business Plan item | Senior Management Team – strategic direction and leadership of operational delivery across the organisation (including risk management) |
| Committee oversight? | Board only |
| Finance and resource implications | Various due to the range of items covered |
| Timescales | Various due to the range of items covered |
| Communication(s) (internal/external stakeholders) | N/A |
| Identified legislative implications | N/A |

Chief Executive's Report

Purpose

1. To inform the HTA Board of key or current issues from the CEO's perspective.

Action required

2. The HTA Board is asked to note and comment on the issues raised.

Update on Quarter 4

3. During Quarter 4, we continued to progress our regulatory and related activities against the Key Performance Indicators, sought to progress the 23/24 business plan, and responded to matters arising.
4. Last year, we increased the target number of inspections in the business plan from 140 the previous year to 210. We achieved that stretch increase by taking a more proportionate and bespoke approach to assessment activities. In light of the success of that venture, we further increased the target to 222 for 23/24 and I am pleased to report we have achieved that enhanced target by year end in March, with the completion of 226 assessments. In addition to progressing an increased number of inspections, we also completed a further 30 inspections linked to license applications assessments (LAAs). My thanks to all staff involved, not least, those in the Regulation Directorate for achieving this further stretch in the target number of inspections. It is a significant achievement and highlights the benefits of our innovative work.
5. The revised approach has helped us assess more establishments annually using a wider range of regulatory tools and a more bespoke approach. This helps us reduce the overall regulatory risk, by having more touch points across our different sectors of activity, whilst being proportionate. Our approach has encouraged in-house innovation to make inspections more targeted with a more differentiated approach. This has included the use of evaluated self-assessment for low-risk establishments.
6. During Quarter 4, the HTA launched an awareness-raising programme with the Post Mortem sector, focused on security. All Designated Individuals (DIs) were invited to participate in one of four scheduled webinars. These were very well-attended (164 DIs attended from a total of 167) and gave positive feedback on those sessions. This completed the preparatory phase for the Evidential Compliance Assessments, that were launched in Quarter 1, covering security

standards in the Post Mortem sector.

7. During Quarter 4, the HTA continued to give full support to the Secretary of State's Independent Inquiry led by Sir Jonathan Michael into the issues raised by David Fuller's offending. We have been assessing the Phase 1 findings in relation to the events at Maidstone and Tunbridge Wells NHS Trust whilst also providing input to the Inquiry on their Phase 2 work, responding as promptly as we can to requests for information about the wider systemic issues. Since the Inquiry commenced, we have assigned a high priority to providing thorough and timely support to requests from the Inquiry Team, to ensure they are able to progress their areas of investigation as promptly as possible.
8. In the last 3 months, the HTA has been actively engaging through cross ALB networks on the increasing priority being given to Cyber Security. Although there have been a range of industry standards and security requirements in place for several years such as the annual Data Protection and Security Toolkit assessment (DSPT), the NHS Cyber Unit is seeking to supplement these with the new Cyber Assessment Framework (CAF). The CAF is expected to be launched in early autumn. At the time of writing, the outcome of the 2023/24 DSPT assessment is outstanding, although it should be confirmed by the end of Q1.
9. The HTA has demonstrated its ability to manage potential cyber risk and exposure of vulnerabilities within systems through regular reports to the Audit & Risk Assurance Committee. This performance has recently included benchmarked performance against other Arm's Length Bodies. Whilst performance has been strong, the HTA continues to seek opportunities to further strengthen its security controls.
10. In terms of open data, early in 2023/24, we published data sets going back to 2017 covering the following areas:
 - Inspections,
 - Shortfalls,
 - Licences granted,
 - Licences ceased,
 - Licence Variations,
 - Licence Applications,
 - Licence Revocation Requests, and
 - General enquiries.
11. Later in 23/24 we revised these data sets and in the next few weeks we are set to publish full year figures for 23/24.

12. During Quarter 4, key external meetings included continuing participation in the National Health CEOs Forum, the ALB joint Chairs/CEOs meetings convened by the DHSC Permanent Secretary, meetings arranged by the Association of CEOs. (ACE) and two Accountability Review meetings with the DHSC Sponsor Team in January and March 2024.
13. Our progress during Q4 is highlighted in the accompanying Performance Report. You will recall that the draft Business Plan for 24/25 was presented to the Board for approval at the last meeting of the Board in the March. We have subsequently submitted it to DHSC and we are working to it in Quarter 1. An early update on progress is also provided in the Performance Report.

Current Issues

14. With today's Board Meeting occurring in the run up to the General Election we have taken account of the pre-election guidance issued by Cabinet Office for the civil service and non-departmental public bodies, such as the Human Tissue Authority. Normally, Board papers are published on our website a week before the meeting. On this occasion they will be published after the election on 5th July. The June meeting will not be held in public – that will apply to our September meeting. We had also planned to hold a Stakeholder Event for June with representatives from each of the six sectors we regulate, as well as, DHSC and the developed administrations. That event has been deferred until September. We have been concluding the new HTA Strategy and Board members will recall a draft of the strategy was discussed at the March meeting. Whilst largely completed, the document will not be published until after the election. Likewise, the Review of 2023/24 that we have completed will be published in July and is then due to feature in the Stakeholder Event in September. During the election, we are restricting our public engagements, the use of social media and other communication channels. I was due to speak at a conference on Organ Trafficking. The organisers have agreed that their event be postponed until after the election.
15. Board members will recall that the new business year saw the introduction of a duty on relevant clinicians to report all organ transplants which take place outside the UK, and any case where a clinician has a reasonable suspicion that an organ donation and transplantation related offence has been (or may be) committed. Relevant clinicians are classed as any of the following whether practising in a transplant centre or a non-transplant centre:
 - a specialist nurse involved in living donor care;
 - a specialist nurse involved in recipient care;
 - a transplant surgeon;

- a physician involved in living donor care;
 - a physician involved in recipient care.
16. The new [Human Tissue Act 2004 \(Supply of Information about Transplants\) Regulations 2024](#) came into effect in April. Since then, over the two months to the end of May, we received seven reports under the Regulations. Of these, three have been referred to the police and the remaining reports continue to be considered. This represents an average of almost one case per week. Before 2022, we dealt with less than one ODT-related police referral per year.
17. In Q2, we will be evaluating the effect of these new Regulations over the first three months of operation by considering the number and type of reports we have received. The evaluation will also involve checking that our guidance and processes are working as intended by seeking initial feedback from those who have reported under the Regulations or received a referral. The outcome of the evaluation will be shared with DHSC colleagues and used to clarify our guidance or improve our processes, where necessary. A full evaluation to determine the impact of the Regulations is planned for 12-months after their introduction.
18. SMT has reviewed the HTA's new Digital and Information Technology strategy and a paper on this topic is provided for discussion at today's Board meeting. We are aiming to progress IT over the next three years based on four key themes:
- Protection through Prevention
 - Availability through Reliability
 - Transformation through Automation
 - Innovation through Collaboration
19. As part of developing digital and IT, we are exploring the use of Artificial Intelligence(AI). In May, SMT approved proposals to pilot the use of AI in the HTA. We also recognise that AI is increasingly used in a range of functions by those we regulate and hence we are planning a short survey of licenced establishments in Q2 to understand how and when AI is being used as part of regulated activities.
20. At the last Board meeting, there was some discussion about the levels of staff turnover. These are higher than our KPI of 20%. At the end of May, the rolling figure remains high (at 31.4%) as it has been since before the pandemic. The March meeting recognised that the causes of turnover can be multifaceted, and the necessary response needs to be alive to a variety of factors at play. As we seek to develop a new People Strategy, a first step is the completion of an up-to-date Staff Survey. The survey launched in late May and was open for four

weeks. It is now being independently collated, and the results analysed.

21. Also on the people front, we held two All Staff Days during Q1. In April, to help improve organisational resilience we tested our critical incident and business continuity plans with a live exercise. This was both an engaging event and a chance to improve our emergency responses. A number of stakeholders were also invited to participate which both added to the realism of the event and improved engagement. Last week, we invited CQC colleagues to an All Staff Day giving our staff an opportunity to discuss the outsourced HR service one year on from the launch. Staff also spent time discussing the creation of a new Staff Forum and we welcomed Paul Hatfield, a Designated Individual (DI) from Worthing Hospital who spoke about his experiences.
22. Whilst protecting our independence as a regulator, we seek to better understand the pressures and experiences of staff working in establishments that we regulate. In that regard, hearing from DIs is invaluable and the Stakeholder Event now timed for September is intended to bring together, amongst others, a selection of DIs from each of the sectors we regulate. This engagement chimes with the paper on today's agenda, which following the coroner's findings in the Ruth Perry / Ofsted matter, seeks to outline how we approach fulfilling our regulatory remit professionally and with appropriate engagement.
23. One issue we have been discussing with colleagues in our Sponsor team in the Department is when the HTA will be selected for review under the Public Body Review programme. Prior to the general election being called, given there were several ALB reviews already identified for 24/25, DHSC advised that it was unlikely that a review of HTA would take place as part of the 2024/2025 programme. However, confirmation of the programme for 2024/2025 will be a matter for a new or returning administration to decide.
24. The Finance team has made good progress in discussion with auditors on completing the Annual Report and Accounts (ARA). The draft ARA was discussed by ARAC on 12th June and was recommended to be signed by myself as Accounting Officer. The document will be laid before parliament when it has been certified by the Comptroller and Auditor General (C&AG) at the National Audit Office. With the election, our accounts are not expected to be laid until after the opening of the new parliament. A cross-government issue with Civil Service pensions disclosures may further delay the laying of the accounts.
25. The next Board meeting will be held on Thursday 19th September at 2 Redman Place. This will be the annual meeting to which the public are invited to attend and they can submit questions ahead of the meeting.