

Minutes of the forty eighth meeting of the Human Tissue Authority

Date 22 March 2011

Venue The Westminster Conference Centre
1 Victoria Street
London
SW1H 0ET

Present

Members

Baroness Diana Warwick (Chair)
Professor Michael Banner
Mrs Jodi Berg
Professor Susan Dilly
Mrs Rosie Glazebrook
Mrs Pamela Goldberg
Mrs Suzanne McCarthy
Professor Gurch Randhawa
Dr Andrew Reid
Mr Keith Rigg
Ms Catharine Seddon

In attendance

Mr Craig Muir (Chief Executive)
Dr Alan Clamp (Director of Compliance and Enforcement)
Dr Shaun Griffin (Director of Communications and Public Affairs)
Mrs Sue Martin (Director of Resources)
Mr Allan Marriott-Smith (Authority Secretary)

Ms Sara Coakley
(Senior Senior Media and Public Affairs Adviser)
Ms Laura Nelson
(Communications Manager)

Observers

Mr Patrick Irwin (Department of Health)

Item	Title	Action
Item 1	Welcome and apologies	
	<ol style="list-style-type: none"> 1. Baroness Warwick welcomed Members and observers to the forty-eight meeting of the Human Tissue Authority. 2. Apologies had been received from Mr Brian Coulter. 	
Item 2	Declarations of interest	
	<ol style="list-style-type: none"> 3. There were no declarations of interest. 	
Item 3	Minutes of 25 January 2011 [paper: HTA (11/11)]	
	<ol style="list-style-type: none"> 4. The minutes of 25 January 2011 were adopted subject to one minor amendment. 	
Item 4	Matters arising	
	<ol style="list-style-type: none"> 5. The Department of Health (DH) announced formally on 10 March, that the HTA will act as Competent Authority for the Organ Donation Directive. The executive has set up a governance group with DH and NHSBT to develop plans to introduce the Directive by August 2012. Consultation on the content of the regulations will take place between August and October. 6. The HTA submitted evidence on presumed consent for organ donation to the Welsh Affairs Committee. The Welsh Assembly Government has now withdrawn the request to the UK government for permission to introduce presumed consent as it believes that following the referendum this permission is no longer required. The HTA will monitor this position and bring further information to the Authority as necessary. 	
Item 5	Chair's report	
	<ol style="list-style-type: none"> 7. The Chair informed Members that Pamela Goldberg and Jodi Berg had attended a meeting with the Minister on her behalf. The meeting was positive and the Government's position remains as set out in earlier discussions. 8. Member reappointments have been confirmed for Michael Banner, Keith Rigg, Andrew Reid, Catharine Seddon, Jodi Berg, Pamela Goldberg and Brian Coulter. A press notice announcing the reappointments was issued on 22 March. The Chair is still considering refreshes to committee membership and will put proposals to Members at the next Authority meeting. 	

	<p>Action: Proposal for committee membership will be brought to the Authority meeting in May.</p> <p>9. The Chair invited Craig Muir to provide Members with an update on the structural changes that are taking place within the executive team. The HTA had previously received approval to recruit two Director level posts. The first (Director of Compliance and Enforcement) was filled in January by Alan Clamp, and the second (Director of Strategy and Quality) has now been filled by Allan Marriott-Smith. Craig Muir will end his secondment to the HTA as Chief Executive on 31 May 2011 and the Chair is pursuing a number of avenues to fill this position at the earliest opportunity.</p> <p>Action: An organogram setting out the new structure and key responsibilities will be supplied to Members.</p> <p>10. The Authority will continue to meet at the Westminster Conference Centre. The July meeting, which will be held in public and combined with the annual review event, will take place in London at a venue yet to be decided.</p> <p>11. The Chair provided Members with an update on a matter which was drawn to their attention at the November meeting. This regarded an investigation of an establishment in the human application sector. This investigation was completed in January 2011 and resulted in the HTA issuing directions to the establishment. The establishment has complied with those directions and the investigation has now been closed.</p>	<p>AMS</p> <p>AMS</p>
Item 6	ALB review and shared services update [paper: HTA (12/11)]	
	<p>13. Craig Muir introduced the paper which provided an update on the progress with the ALB review and with the shared services agenda since the last Authority meeting.</p> <p>14. The Authority noted that discussions had taken pace with the CQC at both Chair and Executive level. If the HTA's functions transfer as a whole to the CQC, early thinking on governance arrangements is that oversight of these functions would be undertaken by an advisory board. This board would contain a Member of the CQC board. Members expressed concern that this type of arrangement would undermine the transparent governance and accountability. The HTA should voice this concern as the plans for transition develop.</p>	
Item 7	Statutory approval in cases where directed donation cannot take place [paper: HTA (13/11)]	
	15. Shaun Griffin introduced the paper, which proposed a policy position to adopt for cases where it is discovered that an	

	<p>organ cannot be transplanted to the intended recipient after they have been anaesthetised.</p> <p>16. In discussion, the following points were raised.</p> <ul style="list-style-type: none"> i. Members asked that further work be undertaken on the draft consent form in order to make the options clearer and to meet plain English standards. Gaining consent will also require that the risks of re-implanting are set out. ii. The Authority asked the Executive to explore the possibility that the consent form be accompanied by a patient information leaflet, which is considered good practice where consent is being requested for research. iii. Care should be taken in the tone of communication with surgeons. Keith Rigg offered to provide support to the Executive on this matter and on the development of the consent form. iv. Members expressed some concern that any complexity in the consent form might put potential donors off proceeding. The Executive should consider the best time to communicate these options during the transplant approval process to minimise this risk. v. The Authority noted the legal advice set out in Annex A and agreed that no further legal opinion was needed. <p>17. The Authority agreed the recommendations set out in the paper subject to the completion of the associated actions.</p> <p>Action: The Executive to work with Keith Rigg to finalise the consent form and the communication to surgeons.</p>	AMS
Item 8	Post mortem tissue retention in Home Office cases [paper: HTA (14/11)]	
	<p>18. Alan Clamp introduced the paper which had been produced at the Authority's request in relation to concerns previously expressed by Andrew Reid.</p> <p>19. In discussion, a number of themes emerged:</p> <ul style="list-style-type: none"> i. The Authority expressed two primary concerns relating to the situation described in the paper. First, that gaps in the legislative framework allow poor practice to continue and that steps need to be taken to minimise the impact of these legislative gaps (as a legislative solution is unlikely). Second, that there are potential reputational risks to the HTA of this continued poor practice, even though the HTA's powers are limited in this area. ii. In relation to gaps in the legislative framework, the approach adopted by the HTA in the past has been to issue advice and guidance to try to minimise the impact of these gaps. While the Authority recognised that the solution proposed in the 	

	<p>paper was a sensible first step, Members also believed that as the proposals have no regulatory or legislative force, other possible solutions should be pursued. In particular, as all Home Office forensic post-mortem examinations are carried out in HTA licensed premises, the Executive should explore whether there is scope to ensure that all parties comply with the relevant legislative requirements as a condition of the license.</p> <p>iii. In relation to concern about the reputational risks to the HTA, the Authority believed there is a need for a very clear explanation of what action should be taken by each party as far as the law is concerned and on the steps being taken by the HTA to rectify the situation.</p> <p>Action: The Executive should pursue the recommendations set out in paragraph 12 of the paper and also look in other possible solutions.</p> <p>Action: The Executive should take steps to minimise the potential reputational risk identified in the discussion.</p> <p>Action: A paper should be produced for the May meeting updating the Authority on progress.</p>	<p>AC</p> <p>AC</p> <p>AC</p>
Item 9	Strategic Plan 2011 to 2014 and Budget and Strategic Performance Review 2011/12 [paper: HTA (15/11)]	
	<p>20. Allan Marriott Smith introduced the paper which presented a near-final draft of the strategic plan for the period 2011 to 2014. Members had made previous contributions to the development of this document at the awayday in September and the November Authority meeting.</p> <p>21. The Authority welcomed the plan and in discussion noted:</p> <p>i. The new KPIs, in particular those which will give an improved picture of issues related to staff retention.</p> <p>ii. The estimated cost of delivering each of the four strategic aims.</p> <p>22. Members approved the plan and the outline budget and noted the efficiency plan and the proposed structure of the strategic performance review.</p>	
Item 10	Communications Strategy 2011-2013 [paper: HTA (16/11)]	
	<p>23. Shaun Griffin introduced the paper, which set out the proposed Communication Strategy for the period 2011 to 2013</p> <p>24. The Authority welcomed the strategy and in discussion:</p> <p>i. Noted the shift in strategic approach towards bringing a sharper focus to public communication with a view to</p>	

	<p>increasing public confidence in the issues within the HTA's remit, but not to increase the profile of the HTA itself.</p> <p>ii. Sought and received assurances that the level of activity set out in the strategy can be achieved once the Communication Directorate is at full strength. If resources cannot be maintained at this level, the plans supporting the strategy can be prioritised.</p> <p>25. The Authority adopted the communications strategy. Action: The Executive to regularly report to the Authority on progress in delivering the strategy.</p>	SG
Item 11	Strategic Performance Review February 2011 [paper: HTA (17/11)]	
	<p>26. Allan Marriott Smith introduced the paper, a regular agenda item setting out progress against the strategic plan.</p> <p>27. The Authority accepted the paper for information.</p>	
Item 12	Financial report February 2011 [paper: HTA (18/11)]	
	<p>28. Sue Martin introduced the paper which set out the financial position at the end of February 2011</p> <p>29. The Authority was asked to note the underspend, which had resulted from delivering greater efficiency savings than had been envisaged at the start of the financial year. The Authority also noted the intention to return these savings to establishments by way of a credit against 2011/12 licence fees.</p> <p>30. The Authority accepted the paper for information.</p>	
Item 13	Report from the Audit Committee February 2011 [paper: HTA (19/11)]	
	<p>31. Michael Banner introduced the paper which set out the key outcomes of the February Audit Committee.</p> <p>32. The Authority noted that the HTA is to change its internal auditors. The service is likely to be provided through the Department of Health by Grant Thornton. The Committee will meet Grant Thornton on 1 April and confirm the appointment.</p> <p>33. Sue Martin also asked the Authority to note that the interim audit of the end of year accounts by the National Audit Office had been very positive, with only minor issues arising predominantly as a result of new reporting requirements.</p> <p>34. The Authority accepted the paper for information.</p>	
Item 14	Enquiries report December 2010 to February 2011 [paper: HTA (20/11)]	
	<p>35. Shaun Griffin introduced the paper, a regular item setting out the latest report on enquiries received by the HTA.</p>	

	36. In relation to the drop in the number of enquiries, the Executive are exploring whether this is a real change or an issue with under-recording by HTA staff. Further training in enquiries handling is being arranged. 37. The Authority accepted the paper for information.	
Item 15	Any other business	
	38. There was no other business.	

The meeting closed at 1.00 pm