

Minutes

Meeting Details

Meeting Name	UKAD Board Meeting 45
Date	28 July 2020
Time	10:00 – 13:30
Location	Via Zoom Conferencing
Attendees	
Trevor Pearce (Chair) (TP)	Nicole Sapstead (NS)
Frances Akor (FA)	Philip Bunt (PB)
Pippa Britton (PBr)	Matthew Johnson (MJ)
Nick Griffin (NG)	Pat Myhill (PM)
Dr Claire-Marie Roberts (CMR)	Emily Robinson (ER)
Sarah Winckless (SW)	Gareth Wellings (GW)
Heather Sinclair (HS)	Lindsay Miles (LM - minutes)

Welcome & Apologies

Presented by Trevor Pearce

1. Welcome

TP welcomed all attendees. Apologies were received from Nicola Philips but it was noted that she had reviewed the papers and added public comments to Convene.

2. Declaration of interests

There were no declarations of interest.

3. Approval of Minutes and Matters Arising

The minutes were accepted as a true record of the previous meeting. The Board noted the status of actions arising from the previous meeting and the creation by the Chief Executive of a UKAD powers working group.

TP confirmed the reappointment by the Cabinet Office of members Nick Griffin and Claire-Marie Roberts for further three-year terms.

4. Report from the Athlete Commission

The Board noted the minutes of the meetings held in May and July 2020.

5. Report from the Audit and Risk Committee

The Board noted the minutes of the meetings held in May and June. NG highlighted that the Committee had been closely monitoring the laboratory contract renewal process and had reviewed the legal advice sought by PB with regard the procurement process. Thanks were extended to PB for the regular updates provided and it was confirmed that a summary note would be sent to members shortly.

5. Report from the Remuneration and Human Resources Committee

The Board noted the minutes of the June meeting. SW relayed that the Head of HR position was temporarily vacant until the post holder returns from maternity leave in September.

6. Finance and Resources Report

The Board noted the report and GW confirmed that it had been reviewed in detail at the recent Audit and Risk Committee meeting. It was highlighted that the budget changes presented were based on the mid-case scenario considered by the Board at its previous meeting. It was noted that the revised commercial testing income was based on a best estimate following discussions with customers and the budget would largely be balanced by making revisions to staff costs (previously agreed by the Board) and the testing budget. GW reiterated that high levels of uncertainty and risk had necessitated a prudent approach resulting in a fair degree of confidence that the budget will be balanced in 2020/21. In response to questioning an update regarding the use of the Coronavirus Job Retention Scheme was provided. TP extended his thanks to the team for their budget planning and management to date.

7. Governance Dates 2021

The Board noted and agreed the proposed dates. PB highlighted that the summer Board meeting date would coincide with the rescheduled Olympic games and that if necessary timing could be reviewed to enable members attending the games to join by video conference. TP requested that Board members are given the opportunity to influence forthcoming Board agendas and it was agreed that **LM would incorporate this into the existing meeting planning process.**

8. Compliance with Code for Sports Governance

PB reminded the Board that UKAD is not required to comply with the Code for Sports Governance but that an annual assessment is completed at the behest of DCMS. The assessment was noted alongside the conclusion that no further action is required. TP reiterated that compliance with this Code had been the subject of a recent internal audit conducted by Mazars which provided substantive assurance. PB outlined that a review of the Code for Sports Governance had been announced by UKSport and Sport England and that it is paramount that anti-doping requirements are included in

the revision. Support from HS was sought on this matter in addition to PB's own contribution to a multi-lateral governance group.

9. Committee and Commission Terms of Reference

- Remuneration and HR Committee – the Board approved the terms of reference subject to the inclusion of an additional duty to cover the oversight of diversity, inclusion and equity
- Audit and Risk Committee – the Board approved the terms of reference
- Athlete Commission – the Board approved the terms of reference subject to the addition of the recently agreed remuneration details, editing of incorrect role titles and wording to clarify sponsorship / endorsement arrangements which would constitute a conflict of interests

PB to ensure updates are made and revised versions are published on the UKAD website. Language to be reviewed to ensure consistency prior to the next annual review.

10. Innovation Commission

FA confirmed that the Research and Innovation lead had recently joined UKAD and shared an update of recent induction activity. It was noted that the next Commission meeting is planned to take place in October / November 2020 and revised Terms of Reference will be submitted for Board approval at the November 2020 meeting.

11. Going Concern / Annual Report 2019/20

GW requested that the Board reconsider the going concern judgement taken at the February 2020 meeting in light of revised forecasts relating to the impact of Covid-19. The Board considered the evidence provided in the supporting paper and the various scenarios that had been used to stress test the budget. The Board approved the proposal that the 2019/20 Financial Statements are prepared on a going concern basis.

GW confirmed that the final draft annual report presented included minor narrative corrections but that no changes had been made to the year-end position disclosed in the financial statements. It was noted that following consideration at its July meeting, the Audit and Risk Committee had recommended the report for approval. The Board approved the 2019/20 annual report and accounts for signing by the Chair and Chief Executive.

12. Communications Strategy

ER presented highlights from the proposed communications strategy and outlined that the full strategy document was available in Convene for members to review. The Board considered and supported the outline objectives and pillars of the strategy and the intention to use more simple language and adopt a more pro-active stance. A more confident and outwardly focussed approach to social media was also welcomed.

A discussion ensued regarding UKAD's key target audiences and the appropriateness of an athlete-centric model. The Board confirmed it was open to considering a future rebrand of the organisation in line with the ongoing strategic review. **It was agreed that ER would engage with staff to develop a range of options that reflect the purpose and evolution of UKAD.**

The Board discussed at length the changes to the 2021 Code that make the option to publish charges and/or provisional suspensions available to UKAD. Many facets of the complex and emotive issue were debated and the Board noted the balanced view presented in the accompanying paper. It was suggested that a public consultation should be considered whilst recognising that tight financial constraints mean the project will necessitate professional opinion being sought, where possible, on a pro-bono basis. **The Board supported the proposed further work and requested management to report back to the November meeting.**

13. Legal Case Records

The Board noted the report and the proposal to continue the dual system approach that had been established. Recognising that this differed from the original intent of a single investigatory and legal case management system previously approved by the Board, NG requested clarification of how the situation had arisen. NS, MJ and PM reminded the Board of the historical context and issues encountered. Reassurance was sought as to how the proposed approach would ensure effective information sharing and how the human element would be assured with particular reference to a historical case where issues were encountered. NS reiterated that Legal team's electronic record keeping methodology had become far more stringent and robust. Further, MJ confirmed that detailed QAP documents were being put in place to formalise the handover of information between the Legal and Intelligence and Investigation teams in terms of ownership, timing and content. NS confirmed that she had requested a review of the operation of these processes be included in the internal audit plan. Accordingly, a review of controls to ensure that Intelligence and Investigation records using D3 and Legal records using SharePoint are fully aligned is included in the internal audit plan and scheduled for November 2020. Following Management reassurances that the current process affords appropriate cross-pollination between the two teams and that those involved are comfortable that the approach is working in a satisfactory way the Board agreed it should continue, subject to the outcomes of the internal audit. The Board requested a review of the business case process to ensure they are sighted on significant projects at an earlier stage. **PB to review the existing process and submit a report to the November meeting.**

14. Performance Report

The Board noted the performance report and accompanying dashboard.

15. Chief Executive's Report

NS presented her quarterly report, the contents of which were discussed by the Board and included: an update on cases and legal matters; UKAD's response to the COVID-19 pandemic; Diversity; Anti-Doping Rules publication and staff survey results.

NS confirmed that the revised National Anti-Doping Policy (NADP) had been finalised and was due to come into effect on 1 January 2021. It is anticipated that the rules will be published by the end of July. Work continues with those sports with bespoke rules to ensure they comply with the updated Policy. It was noted that WADA had reviewed the revised NADP and that some of their feedback was unacceptable to UKAD and needed further discussion. **NS will follow up with the Director General and keep the Board abreast of progress.**

The Board welcomed the creation of a BAME working group led by the Chief Executive and the intent that it will be a continual, evolving piece of work with tangible outputs that will be measured. It was noted that a number of soft changes had been identified and a spokesperson agreed who will report regularly to the Directors Team. FA and PBr both offered their support to the working group. NS shared her disappointment that UKAD had been unable to make a public statement in relation to the Black Lives Matter movement due to DCMS advice.

AOB

TP outlined that he wished to discuss Committee membership with the Board members and would be in contact with them individually in due course. TP extended his thanks to Board members for their participation and engagement in recent facilitated discussions around strategic priorities and underpinning principles. In total some 38 hours individually and collectively was spent on this task. The output of the sessions has been passed to the Chief Executive to enable the Directors Team to continue the strategy development process.

Date of Next Meeting

Board meeting – Tuesday 10 November 2020