

Minutes

Meeting Details

Meeting Name	UKAD Board Meeting 50
Date	9 November 2021
Time	10:00 – 13:00
Location	Trafalgar House, Croydon
Attendees	
Trevor Pearce (Chair) (TP)	Emily Robinson (ER)
Frances Akor (FA) – via MS Teams	Philip Bunt (PB)
Pippa Britton (PBr)	Nisha Dutt (ND)
Mark Foster (MF)	Tony Josiah (TJ)
Nick Griffin (NG)	Pat Myhill (PM)
Nikki Phillips (NP) – via MS Teams	Suzanne Constable (SC) – item 6
Claire-Marie Roberts (CMR) – via MS Teams	Lindsay Miles (LM) - minutes
Suman Ziaullah (SZ) – via MS Teams	
Heather Sinclair – DCMS (HS)	

Welcome & Apologies

Presented by Trevor Pearce

1. Welcome

TP welcomed all attendees to the first in-person meeting since February 2020. Apologies were noted from SW.

2. Declaration of Interests

No declarations were made.

3. Approval of Minutes and Matters Arising

The minutes of the 3 August 2021 meeting were accepted as a true record subject to amending the paragraph numbering. The minutes of the meeting held in October 2021 to discuss the WADA report were accepted as a true record. The actions were noted and it was clarified that the refresher session planned for December 2021 relates to the WADA 2021 Code.

4. Finance and Resources Report – BP 39 2021

The Board noted the report which had previously been considered by the Audit and Risk Committee. GW highlighted that the budget is on track and as at the halfway point of the financial year, 47% of the resource budget has been spent. The Board was made aware that a recent subject access request had been made which will

require support from Bird and Bird, the cost of which will be covered by Legal through the contingency budget. GW outlined that the NAO has completed the remaining assurance work on the pension disclosures and has provided final audit completion report for 2020/21. It was highlighted that the report has been updated from the draft the NAO shared with the Audit and Risk committee (ARC) in July for two additional unadjusted misstatements, both relating to pension disclosures. It was noted that the adjustments do not require changes to the financial statements as they fall below the NAO materiality threshold. GW confirmed that he will share the completion report with the Audit and Risk Committee for their comment ahead of ER and TP signing the annual report by mid-November. It was noted that, subject to Ministerial approval, it is anticipated that the NAO will sign and lay the report by the end of November.

5. Outline Budget Assumptions 2022-23 – BP 40 2021

The paper was noted. GW reiterated that the budget presented is a draft which was considered by the ARC which also reviewed the assumptions. It was highlighted that although the Chancellor had announced the outcome of the Spending Review, DCMS is still working through the implications and is unlikely to confirm the outcome for ALBs until early 2022. It was noted that if the cost of fitting out UKAD's space in the SportPark 4th pavilion is not funded, the overall budget gap is forecast to be around £700k. It was agreed that the inflation figure included in the draft budget should be reconsidered along with the figures around staff costs following the Chancellor lifting the public sector pay pause. It was noted that no steer had yet been received from DCMS regarding this. The rationale and basis for the UK's WADA contribution was queried and discussed. **It was agreed that more detailed budget discussions will take place at the December meeting** and that ER and GW will work up various scenarios to enable the Board to provide a steer on its preferred approach to achieving a balance.

SC joined the meeting. HS left the meeting to attend to Ministerial business.

6. Performance Report & Use of Performance Metrics - BP 41 2021

SC confirmed that the pack received was a first attempt and the intent is to further develop the information provided to ensure additional context and historical comparison is provided. The information provided was reviewed and discussed in detail and a number of improvements for the next iteration were noted. **SC and LM to consider suggested updates and strive to include them in future iterations.** SC left the meeting

7. Covert Human Intelligence Source (CHIS) Update – BP 42 2021

The paper was noted. ND reminded the Board that legal advice regarding deploying CHIS was sought in the context of a boxing case and counsel was instructed to assess any risks in an operational context. ND went on to summarise the conclusions drawn by counsel and the implications for UKAD. It was noted that DCMS had been

engaged regarding UKAD's intent to be added to the RIPA schedule but that the existing criteria present a barrier and the current climate is to remove bodies rather than expand the list. ER & ND outlined some other potential opportunities for gaining powers which are being examined and confirmed that a meeting has been arranged with Tracey Crouch M.P. PM clarified that he chairs the powers working group and any deployment of CHIS would be tightly controlled and only conducted by highly trained individuals. It was confirmed that significant progress towards implementing the first three counsel recommended measures had already been made. **Confirmation will be provided to Board members once the activities are complete (PM/ND).** PM shared the intent to explore the possibility of using the Investigatory Powers Commission on a contract basis to provide oversight on an annual, de facto basis.

8. Strategic Risk Register and Risk Appetite – BP 43 2021

PB outlined that the information reported had been provided for awareness and reassured the Board that the risk register is reviewed by the ARC on a quarterly basis. PB confirmed that the register will be updated to capture supplier issues and failure to deliver services adequately in light of the reported courier issues. The impact of such matters on UKAD's reputation were discussed along with broader consideration of reputational risk. SZ highlighted recent reassuring conversations regarding the organisation's approach to cyber-security but identified the perceived high risk to UKAD. **It was agreed that cyber-security incidents and activity should be added to the secure organisation area of the performance pack. It was further agreed to add a review of risk appetite to the agenda for February 2022.**

9. Policy Assurance Report – BP 44 2021

The report was noted. PBr highlighted that the report had been considered by the ARC at its October meeting and went on to summarise the discussions and resultant actions agreed. PB confirmed that work had started to map the suite of HR policies and ensure reviews of the overdue policies are scheduled.

HS re-joined the meeting

10. Chief Executive's Report – BP 45 2021

The reports were noted. ER drew the Board's attention to the reliability issues and poor service delivery from the urine sample courier service. PM and ND provided some context to the issue which was discussed at length. The Board considered the matter through the athlete lens and expressed a concern that, whilst the issue had been reported to the quarterly management review meeting, it had not been followed up sufficiently. Potential mitigations were considered and it was agreed that **the options discussed would be costed and historical spend data reviewed by Finance for further consideration at the December meeting.** It was also agreed that ER will write to the CEO of the courier company and keep the Board apprised of any response and the immediate mitigations implemented. Opportunities to re-procure will be pursued by PM using the Crown Commercial Services framework.

CMR left the meeting

ER made the Board aware that despite confirmation of the direct award to provide anti-doping services at B2022, no contract is yet in place with the Organising Committee (OC). It was noted that discussions are ongoing but that no budget figure had yet been provided for UKAD to review. GW reiterated that services will be provided at cost but the initial proposal submitted by UKAD was unpalatable to the OC. ER highlighted that the end of November is a critical milestone for agreement to be reached to allow the laboratory to order essential equipment and for appropriate organisation to take place to ensure that a successful testing programme can be run. **HS agreed to follow up with B2022 colleagues and ER will keep the Board updated on progress.**

11. Report from the Audit and Risk Committee

No update was requested

12. Report from the Innovation Commission

No update was requested

13. Report from the Remuneration and HR Committee

No update was requested

14. AOB

It was agreed that TJ would circulate the CAHAMA paper relating to proposed investigatory powers for all Code signatories for comment by 15 November.

Date of Next Meeting

Strategy Day – Tuesday 7 December 2021 (Bird and Bird's offices, London)

Board meeting – Tuesday 22 February 2022 (Sport Park, Loughborough)