

Approved Minutes of the Board Open Session meeting held on 24 March 2021 (Video conference)

Chair:

Rob Behrens CBE, the Ombudsman

Non-Executive members:

Sir Alex Allan KCB

Linda Farrant

Dean Fathers

Balram Gidoomal CBE

Alan Graham MBE

Carolyn Hirst

Mick King

Anu Singh

In attendance:

Karl Banister, Director of Legal, Quality and Clinical

Bipon Bhakri, Director of Resources

James Hand, Assistant Director of Business Management

Abigail Howarth, Director of Operations

Maria Mansfeld, Chief of Staff

Andrew Dawson, Governance Officer (minutes)

Executive Members:

Amanda Amroliwala CBE, Chief Executive

Gill Kilpatrick, Chief Operating Officer

Apologies

Elisabeth Davies

Warren Seddon, Director of Strategy and Communications

5. Chair's Introduction and Welcome

5.1 Rob Behrens introduced the meeting and welcomed members and others attending. He welcomed Bipon Bhakri to his first Board meeting.

6. Declarations of Interest

6.1 There were no declarations of interest.

7. Minutes and Matters Arising

7.1 The minutes of the Board meeting on 17 December 2020 were **accepted** as a true record.

7.2 The minutes of the extraordinary Board meeting on 27 January 2021 were **accepted** as a true record.

7.3 The minutes of the ad hoc board meeting on 18 February 2021 were **accepted** as a true record, subject to the following amendment:

3.1 (penultimate sentence): - The criteria for non-progression of complaints would be aligned with levels 1 and 2 of our Severity of Injustice scale.

7.4 The Board **noted** the updated table of actions and matters arising from previous meetings.

Alex Allan took the Chair

8. Chief Executive's report to the Board

8.1 The Board received a report from the Chief Executive, setting out updates on demand management, future working practices, and arrangements to support staff wellbeing.

8.2 Amanda Amroliwala informed the Board that the agreed proposals to manage demand would be implemented during the week commencing 12 April 2021.

8.3 Members raised the following issues in discussion and were satisfied with the assurances provided:

- Whether the demand management modelling took account of recent changes in productivity.
- The role of internal audit in monitoring the effectiveness of the demand management proposals.
- The support available under the wellbeing arrangements for managers working in difficult conditions.
- The measures in place to support staff who continue to be impacted by restrictive measures in response to the pandemic.

8.4 The Board **noted** the report.

9. Ombudsman's Report to the Board

- 9.1 The Board received a report from the Ombudsman covering recent non-executive activity; engagement with UK stakeholders; recent casework issues; developments in our international networking; recent work on Complaints Standards, and staff morale.
- 9.2 Rob Behrens updated the Board on developments since the report was written, including details of a meeting with the Chair of the Parliamentary and Constitutional Affairs Committee, William Wragg MP on 22 March 2021.
- 9.3 Rob Behrens informed the Board that Dr Bill Kirkup had recently completed a review of our handling of a complex complaint. The lessons learned from the review will be discussed further by the Quality Committee.
- 9.4 Rob Behrens informed the Board that, before the meeting, he had signed a twinning agreement with the South African Ombudsman.
- 9.5 Board members raised the following points in discussion:
 - The organisation's plans to launch the Complaints Standards at the end of March 2021.
 - Board members' recent meeting with the Windrush Lives campaign (see item 13), which had highlighted that the MP filter may act as a barrier to people wishing to come forward.
 - The Board recognised that the senior leadership team and executive had been placed under significant pressure during the pandemic, highlighting the need for the executive to elevate concerns about their own wellbeing, and for the Board to support the leadership.
- 9.6 The Board noted the report.

Rob Behrens resumed the Chair

10. Staff Survey results 2020.

- 10.1 The Board considered a paper setting out the high-level results from the 2020 Staff Survey
- 10.2 Board members discussed the following matters:
 - It was encouraging that staff had engaged with the survey and were increasingly positive about the organisation. It was also noted that some scores had declined. This would be an area of focus.
 - Whether the survey results had been impacted by the demographics of the workforce and how this could be mapped in the future.
 - Whether it was appropriate to benchmark against the Civil Service averages rather than organisations of a similar size or other organisations in the Ombudsman sector, and opportunities in future years to do so.

- Whether there was more useful information to be extracted from neutral scores. The organisation will reflect on this and determine whether there is a better way of extracting staff views from areas that score neutrally.
- How the survey results would be taken forward with staff to develop a constructive narrative.

10.3 The Board **noted** the report.

11. 2021/22 Business Plan and Budget

11.1 The Board considered the draft Business Plan and Budget for 2021/22

11.2 Board members considered the following points in discussion:

- How our forecasts were developed and what inputs, assumptions and skills were involved.
- Whether the KPI performance targets were realistic, or whether they should be set at a lower level which is more likely to be achievable
- Whether the business plan should include training for early dispute resolution.
- The need to consider human factors and staff needs when developing the Smarter Working Programme.
- The contingency plans to maximise the use of capital resources given that a significant portion of planned expenditure was on projects with red or amber confidence ratings.

11.3 The Board **approved** the Business Plan for 2021/22.

11.4 The Board **approved** the Budget for 2021/22.

12. Strategic Risk Report and Register January (Period 10) 2020/21 and Risk Appetite 2021/22

12.1 The Board considered the Strategic Risk Report and Register, including proposals for PHSO's risk appetite for 2021/22.

12.2 James Hand explained that, as we are entering a one-year business plan for 2021/22 which bridges between the previous corporate strategy and the next strategy, it was proposed to frame the risk appetite around the key business plan objectives in the year

12.3 The Board discussed how risks arising from the COVID-19 pandemic and from the recent staff survey results would be managed.

12.4 The Board **agreed** the Strategic Risk Register and Report.

12.5 The Board **approved** the Risk Appetite statement for 2021/22.

13. Update on meeting with the Windrush Lives Campaign

- 13.1 Anu Singh presented a verbal update on a meeting that she and Ram Gidoomal had recently attended with representatives of the Windrush Lives campaign. This was an exploratory meeting, arranged through our Public Affairs team with the aim of identifying what role Board members could play in engaging with such groups. There was no discussion of individual complaints or operational issues.
- 13.2 The Board members highlighted that PHSO could play a greater role in helping groups and individuals to overcome barriers to complaining and facilitating contact between bodies we investigate and interest groups. The Board discussed the potential for similar contacts in future, and how this might develop if we were to be given own initiative powers.
- 13.3 The Board **noted** the update.

14. Diversity Steering Group Update

- 14.1 Dean Fathers presented a verbal update on the work of the Diversity Steering group. This included work to redesign our Equality Impact Assessment mechanisms, the development of a Transgender Inclusion Policy and a report on the impact of our diversity policies on recruitment.
- 14.2 Board members noted the differentiation between the roles of the Diversity Working Group and the Diversity Steering Group, noting that the current arrangements were effective.
- 14.3 The Board **noted** the update.

15. Quality Committee - Strategic Update

- 15.1 The Board received a summary report from the Quality Committee meeting on 18 February 2021.
- 15.2 Highlights of the Committee's recent activity included discussions on impartiality and empathy.
- 15.3 Tony Dysart, Lead Clinician, will attend future Quality Committee meetings.
- 15.4 Dean Fathers confirmed that a handover meeting had taken place with Elisabeth Davies. He expressed the Committee's appreciation for the work of Elisabeth Davies during her time as Chair of the Quality Committee.
- 15.5 The Committee **noted** the update.

16. Audit and Risk Assurance Committee - Strategic Update

- 16.1 The Board received a summary of the Audit and Risk Assurance Committee (ARAC) meeting on 25 February 2021.
- 16.2 Linda Farrant confirmed that a handover process had taken place with Alan Graham. She expressed her thanks to Alan Graham for his work as Chair of the Committee.

16.3 The Committee had received substantial assurance from the internal audit of the Capita Exit Project, and from an assurance review presentation on cyber-security and the organisation's response to a recent cyber-attack.

16.4 The Board **noted** the update.

17. Board Effectiveness

17.1 The Board received a paper setting out the proposed approach to the Board Effectiveness Review for 2020-21. This will be an internal review, similar to the approach in 2019-20, but will also involve a small number of staff who attend Board meetings, as well as Board members.

17.2 Board members queried whether the views of key external stakeholders would be sought. It was confirmed that this year's review would be carried out internally, but that an external review was planned for 2021-22, which could include the views of external stakeholders.

17.3 The Board **noted** the proposed approach and timeline for the Board Effectiveness Review for 2020-21.

18. 2020-21 Annual Report and Accounts

18.1 The Board received a paper updating them on the plans and preparation for the 2020-21 Annual Report and Accounts. The project remains on track.

18.2 Members discussed proposed improvements to the performance section, which will be shorter and more accessible.

18.3 Members suggested several alternative approaches to presenting data which would be considered by the project team.

18.4 The Board **noted** the proposed approach and timescale for completion of the project.

19. Review of the Procurement Code

19.1 The Board received a paper presenting a revised Procurement Code, which had been considered by ARAC in February 2021. The revised code had been amended in line with current best practice, internal audit recommendations and changes to legislation.

19.2 The Board **approved** the revised Procurement Code.

20. Financial Monitoring Report, January 2021 (P10)

20.1 The Board received an update on the forecast financial position for 2020/21.

20.2 The Board noted that expenditure was within control totals and that there was little risk that control totals would be exceeded.

20.3 The Board discussed the underspend on Capital and noted that, due to the pandemic, several projects had been delayed or deferred. HM Treasury had confirmed that this position was reflected across Government.

20.4 The Board discussed the risk from annual leave accrual and were assured that this risk had now been mitigated.

20.5 The Board **noted** the report.

21. Operations and Corporate Performance Report, January 2021 (P10)

21.1 The Board received a report setting out an overview of operational and corporate health performance.

21.2 It was confirmed that, at the end of P11, the number of unallocated cases had risen to just under 3,000.

21.3 The Board considered the following points:

- Demand had risen and was now approaching forecast levels but was still 31.9% down on 2020/21.
- Sickness absence due to the pandemic remains an issue. Action is being taken to address this, and the Wellbeing Programme will be extended to the end of 2021/22.
- Whether the difference in our approach to casework during the first and second lockdowns had impacted on staff. Whilst staff had been fully engaged in discussions, the main impact was in the levels of response received from bodies we investigate.

21.4 The Board **noted** the report

22. Business Plan and Equality Action Plan update, January 2021 (P10)

22.1 The Board received a report setting out progress against the business plan and the Equality Action Plan.

22.2 The Board considered the following points.

- The Board welcomed the confirmation that the Complaints Standards will be published at the end of March 2021.
- The Board discussed the impact of the pandemic on the delivery of key projects and on operational performance and suggested that it may be helpful to develop metrics to differentiate between performance impacted by the pandemic, and 'business as usual'.
- The end-to-end casework review could be useful in improving efficiency and it was of concern that it had been paused.
- The priority given to work on the Clinical Advice Review was welcomed.

22.3 The Board **noted** the progress made against the Business Plan and Equality Action Plan.

The meeting ended at 15:20