

## **Minutes of the Board Open Session meeting held on 27 September 2023 at Citygate, Manchester**

### **Chair:**

Rob Behrens CBE, Ombudsman

### **Non-Executive members:**

Sir Alex Allan KCB (via MS Teams)

John Ainsworth (via MS Teams)

Polly Curtis

Anne Davies

Dean Fathers

Paul Najsarek (via MS Teams)

Michael Parsons

Anu Singh

Amerdeep Somal (via MS Teams)

### **Executive Members:**

Rebecca Hilsenrath, Chief Executive

Gill Kilpatrick, Chief Operating Officer

### **In attendance:**

Karl Banister, Director, Operations, Legal and Clinical

Kate Eisenstein, Interim Director, Strategy

Maria Mansfeld, Chief of Staff

Laura Mingins, Interim Assistant Director, Policy, Strategy and Public Affairs (Item 10)

Stuart Ogden, Assistant Director, ICT and Accommodation (Item 23)

Priya Patel, Facilities Manager (item 23)

Roz Pedersen, Assistant Director, Finance

Hazel Waddington, Assistant Director, Transformation

Andrew Dawson, Governance Officer (minutes)

### **Observers**

Andrea Keenoy, Chief Operating Officer, Housing Ombudsman

## **5. Chair's Introduction and Welcome**

The Chair welcomed members, attendees and observers to the meeting. In particular he welcomed Andrea Keenoy and invited her to feel free to contribute to the meeting.

## **6. Declarations of Interest**

Amerdeep Somal reported that she has been appointed as Local Government and Social Care Ombudsman and as General Chair of the Law Society, both from January 2024.

There were no declarations of interest relevant to matters on the agenda.

## **7. Minutes and Matters Arising**

### **Outcome**

The minutes of the open session on 21 June 2023 were approved as a true and accurate record.

The minutes of the open session on 5 July 2023 were approved as a true and accurate record subject to the following correction: Paul Najsarek - remove from list of attendees; add under Apologies.

Members noted the update to matters arising.

*Dean Fathers to the Chair (in lieu of Alex Allan, Senior Non-Executive member, due to connection and sound issues)*

## **8. Ombudsman's Report to the Board**

### **Purpose**

To update the Board on the Ombudsman's ongoing work as Ombudsman and Chair since the Board meeting on 21 June

### **Outcome**

The Board **noted** the report.

### **Key Points**

- Members congratulated the Ombudsman for his media work following the Letby enquiry.
- Rob Behrens commended Polly Curtis for her work on 'Martha's Rule'.
- Members discussed the delay in advertising for a successor Ombudsman.

- Members discussed PHSO's ongoing actions to maintain momentum on Patient Safety.
- Members discussed the Messenger Review of NHS Leadership

#### **Action**

- 8.1 Alex Allan to write to the Chair of the Public administration and Constitutional Affairs Committee, and the Selection Panel Chair, to express concern over the delay in appointing a successor Ombudsman.

### **9. Chief Executive's report**

#### **Purpose**

To update the Board on key issues

#### **Outcome**

The Board **noted** the report.

#### **Key points**

- The Chief Executive highlighted the action taken to resolve the dispute with PCS over the non-consolidated payment.
- The Chief Executive highlighted a spike in demand, which in August was 8% above forecast. Members discussed the impact on the casework queue and noted that the organisation remains on course for unallocated cases to be at frictional levels by the end of 2023/24.
- Members discussed the Transformation Programme and the level of information reported to the Board.

#### **Action**

- 9.1 Board members to receive a briefing on the Transformation Programme, via a Board Engagement Workshop.

### **10. Public Administration and Constitutional Affairs Committee (PACAC) - PHSO Scrutiny 2022-23**

#### **Purpose**

To update Board on the anticipated process for Parliament to scrutinise the work of PHSO during autumn 2023 (Paper presented by Interim Assistant Director, Policy, Strategy and Public Affairs).

#### **Outcome**

The Board **noted** the report.

#### **Key points**

- As this will be Rob Behren's final PACAC scrutiny, it is inevitable that some of the Committee's focus will be on him.
- It will also be the final PHSO scrutiny for the current PACAC Chair.

- PACAC are likely to press on the matter of PHSO's demand management approach. Members discussed the rationale for the approach and options for messaging.

#### ***Ombudsman to the Chair***

### **11. Inclusion and Wellbeing Committee - Proposal to establish a formal committee from Q3 2023/24**

#### **Purpose**

To ask the Board to approve the formation of the Inclusion and Wellbeing Committee. (Paper - Chief of Staff)

#### **Outcome**

The Board **agreed** the proposal.

#### **Key points**

- It was important that the new Committee was championed by the organisations leaders and that there was proper accountability.
- The Committee's terms of reference needed to strike the right balance between external and internal activity, and should be reflected in PHSO's wider strategy.

### **12. Quality Committee - Key Issues rising from the previous meeting**

#### **Outcome**

The Board **noted** the Committee chair's verbal update from the meeting on 7 September 2023.

#### **Key points**

Due to a member standing down and a pre-arranged apology, the Committee proceeded with two members present. To avoid being unable to take decisions due to lack of a quorum, the Chair had canvassed the views of the absent member.

### **13. Audit and Risk Assurance Committee - Key Issues rising from the previous meeting**

#### **Outcome**

The Board **noted** the Committee chair's verbal update from the meeting on 13 September 2023.

### **14. Board Effectiveness Action Plan**

#### **Purpose**

To agree the Board Effectiveness Action Plan. (Paper - Chief of Staff)

## **Outcome**

The Board **agreed** the Board Effectiveness Action Plan

### **15. Amendment to Governance Framework**

#### **Purpose**

To consider a proposed amendment to the Governance Framework, which reduces the quorum for Quality Committee meetings. (Paper - Chief of Staff)

#### **Outcome**

The Board **approved** the amendment to the Governance Framework.

### **16. Strategic Risk Report and Risk Management Framework**

#### **Purpose**

i) To review the strategic risks and actions in mitigation, corporate issues and performance against tolerance measure.

ii) To approve the Risk Management Framework following periodic review.

(Report - Assistant Director of Transformation)

#### **Outcome**

i) The Board **noted** the report.

ii) The Board **approved** the Risk Management Framework, including the Risk Appetite Statement.

### **17. Financial Position 2023-24 (as at July 2023 - P4)**

#### **Purpose**

To set out the Financial Position at the end of July 2023 and to present a verbal update for August 2023. (Report - Assistant Director of Finance)

#### **Outcome**

The Board **noted** the report and update.

#### **Key points**

- The AD Finance highlighted actions taken to mitigate the risk of an overspend on the resource budget. These had brought the forecast end of year position back into balance.
- The process to identify areas of potential savings is continuing, including a review of corporate functions to release funds for the delivery of corporate priorities.
- Members discussed implications for the budget in 2024-25 and commented that it was unlikely that HM Treasury would be in a position to provide significant additional funding.

### **18. Business Plan and Strategy Delivery 2023/24 P4**

### **Purpose**

To update the Board with Q1 delivery confidence of the 2023/24 Business Plan, PHSO 2025 Transformation and Peer Review Recommendations

(Report - Assistant Director of Transformation)

### **Outcome**

The Board **noted** the report.

### **Key Points**

- Members noted that the 'Decisions' section of the PHSO website had been updated and was much improved.
- Members discussed the impact of the Transformation Programme on staff and noted the need to ensure that staff remained engaged.
- Members noted summaries of feedback from the first two Public Engagement Advisory Group meetings.
- Members congratulated the executive on the draft Digital and Data Strategy.

## **19. Operations and Corporate Performance Report, July (P4) 2023-24**

### **Purpose**

To provide an overview of Operations and corporate health performance at July (Period 4) 2023/24 (Report - Director of Operations / Chief Operating Officer)

### **Outcome**

The Board **noted** the report

### **Key Points**

- The Key Performance Indicators for casework quality were at their highest recorded levels.
- The casework queue remained under control and was reducing, despite rising demand.
- Members discussed compliance with PHSO recommendations for remedy and noted that the Casework Programme includes actions to improve compliance.

## **20. Citygate Refurbishment**

### **Purpose**

To provide an update and to seek approval to award the Citygate refurbishment contract, and seek delegated approval for the CEO to approve subsequent increases in contract value of up to 15%. (Paper - Assistant Director of ICT and Accommodation / Facilities Manager)

## **Outcome**

The Board deferred a decision pending provision of further information to support the business case. The Board will consider the proposal further by correspondence.

## **Actions**

- 20.1 AD Accommodation and ICT to redraft the Citygate Refurbishment proposal, including the strategic rationale and business case for the proposal.

## **Key Points**

- Members noted that the proposal did not include a detailed business case. They raised the following questions:
  - Does the proposal represent value for money?
  - Is the proposal future-proof? Is there confidence that accommodation needs will not change going forward?
  - Is there a long-term accommodation strategy?
  - Will it improve staff retention?
  - Was it necessary to refurbish all four floors?
  - What Governance processes had the project gone through?

## **21. Review of meeting**

The Ombudsman invited Andrea Keenoy to give her feedback on the meeting. Members attending remotely commented that there had been audibility issues.

## **22. Any Other Business**

None.

## **23. Board Forward Plan**

Members noted the forward plan. The next meeting is on 13 December 2023 at Millbank Tower.