

## **Minutes of the Board Open Session meeting held on 22 March 2023 at Millbank Tower, London**

### **Chair:**

Rob Behrens CBE, Ombudsman

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

Sir Alex Allan KCB

Polly Curtis

Anne Davies

Linda Farrant

Dean Fathers

Balram Gidoomal CBE)

Mick King

Anu Singh

Amerdeep Somal

### **In attendance:**

Karl Banister, Director of Operations,  
Legal, and Clinical

Rebecca Hilsenrath, Director of Strategy

Maria Mansfeld, Chief of Staff

Hazel Waddington, Assistant Director of  
Transformation

Andrew Dawson, Governance Officer  
(minutes)

### **Executive Members:**

Amanda Amroliwala CBE, Chief Executive

Gill Kilpatrick, Chief Operating Officer

### **Observers**

Claire Corneille, Assistant Director,  
People and Talent

Kiara Davies, Executive and Committee  
Administration Officer

Faridah Newman, Executive and  
Committee Officer

Roz Pederson, Assistant Director,  
Finance, (via MS Teams, items 10 and 19)

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

- 5.1 The Chair welcomed members, attendees and observers to the meeting.
- 5.2 The Chair noted that it was the final Board meeting for Linda Farrant, Ram Gidoomal and Mick King, whose terms of office come to an end on 31 March, and for Andrew Dawson, who is changing roles. He thanked all for their contribution to the work of the Board. The Chair confirmed that Faridah Newman will be responsible for Board administration and minutes from April 2023 onwards.

## **6. Declarations of Interest**

- 6.1 There were no declarations of interest relevant to matters on the agenda.
- 6.2 Anu Singh informed the Board that she was a non-executive Board member at the Birmingham and Solihull Integrated Care Board, which is conducting a review into University Hospitals Birmingham NHS trust. The Chair confirmed that there was no business relevant to that Trust on the agenda.

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

- 7.1 The minutes of the open session on 14 December 2022 were approved as a true and accurate record.
- 7.2 Members asked whether any action had been taken to develop a draft protocol following member input on the role of the Expert Advisory Panel (EAP). The Chair confirmed that the EAP chair was currently drafting a protocol, which would be circulated to the Board in due course.

### Action points from 14 December

- 7.3 (9.7) The Director of Operations, Legal and Clinical confirmed that there were currently 373 'Aged' cases, over one year old, of which 40 were over three years old. Details of these cases are being collated and will be circulated to Board members within the next 2 weeks.
- 7.4 (19.7) The Chief Operating Officer apologised that this action had been overlooked following the departure of the former interim director of Human Resources. Figures have been compiled and will be circulated in the next two weeks.

## **Senior non-executive member to the Chair**

## **8. Chief Executive's Report to the Board**

- 8.1 The Board received a report from the Chief Executive (CEO).

- 8.2 The Senior non-executive member expressed his appreciation for the work of the CEO following the announcement that she is stepping down later in the year.
- 8.3 The CEO confirmed that an advertisement for her successor had been placed. The aim is to interview candidates in June 2023.
- 8.4 The CEO highlighted the continued progress in managing demand, and the positive and encouraging results of the staff survey.
- 8.5 Members congratulated the organisation on the staff survey results.

**Action: Full staff survey results to be circulated to Board members.**

- 8.6 Members discussed the sustained increase in demand, and the causes thereof, noting that the organisation had reduced the number of unallocated cases by almost 1000 over the course of the year. They discussed the increase in productivity and how this could be sustained.
- 8.7 The Board **noted** the report.

## **9. Ombudsman's report.**

- 9.1 The Board received a report from the Ombudsman.
- 9.2 The senior non-executive Board member asked to record in the minutes the Board's appreciation of the Ombudsman's recent achievements within PHSO and in the international Ombuds community.
- 9.3 The Ombudsman gave a verbal update on his recent meetings with stakeholders on the subject of Ombudsman reform. He outlined various views within the Ombuds community on the best way forward, and undertook to circulate a note to members setting out the issues, his views and seeking board member views.

**Action: Ombudsman to circulate a note setting out the current position on Ombuds reform.**

- 9.4 The Ombudsman provided an account of the first 'PHSO Roadshow' event, that had taken place in Stockton-on-Tees on 20 and 21 March. The event had been well attended and had generated significant local interest.
- 9.5 The Ombudsman looked forward to similar events in the future.
- 9.6 Members discussed the Health Service Journal interview on Eating Disorders and the NHS's response to PHSO's recommendations. The Board discussed PHSO's compliance process.
- 9.7 The Board **noted** the report.

## **10. PHSO Budget and Business Plan 2023-24**

- 10.1 The Board received a paper from the CEO and Chief Operating Officer (COO) setting out the proposed Business Plan and Budget for 2023/24.

10.2 The COO explained that there remained a significant element of risk around the budget, as a result of inflationary pressures. Additionally, the development of the Casework programme is not yet complete so the funding position, including the cost of digitalisation, has yet to be finalised. She assured the Board that the executive is monitoring the position carefully and that options are in place to reprioritise elements of the Business Plan if required.

10.3 Members raised the following points in discussion.

- It would be helpful to receive a separate briefing on the digital strategy proposals.

**Action: Board members to receive a briefing on the Digital Strategy**

- Could assurances be provided that the financial resources being committed to the digital strategy would result in efficiencies. The executive identified areas where efficiencies could be expected.
- The likely timescale for development of the Casework Programme and finalisation of the resource requirement. The COO advised that this work formed part of the PHSO 2025 Blueprint work, that was being taken forward in March and April.
- Whether the organisation's greater visibility would result in increased demand.
- The Business Plan contained few direct references to Strategic Objective 3. Members were assured that this work was a key element of the Casework Programme.
- Whether risks around leadership transition would impact on delivery, and in particular the aim to reduce unallocated cases to frictional levels by March 2024. The CEO said that she was committed to delivering this objective before she left the organisation.
- Whether and how the organisation's Equality, Diversity and Inclusion objectives would be integrated in casework processes. The executive confirmed that the organisation was committed to this.

10.4 The Board **approved** the Budget and Business Plan for 2023-24.

## **11. Risk Appetite**

11.1 The Board received a paper from the Assistant Director of Transformation, setting out PHSO's proposed risk appetite for 2023-24.

11.2 Members commented that an **open** risk appetite seemed appropriate for strategic objectives 1 and 2. However, they suggested that this did not fully reflect the organisations ambitions for strategic objective 3 and that **hungry** may be appropriate. The executive felt that **open** was more realistic, but that the approach to risk could be flexed for specific initiatives where it may be appropriate to carry a higher level of risk.

11.3 The Board **approved** the organisational risk appetite for 2023-24.

## **Ombudsman to the Chair**

### **12. Transformation Report**

12.1 The Board received a report from the Assistant Director of Transformation (ADT).

12.2 The ADT highlighted that work was now starting on the user engagement exercise, which is aimed at getting a customer perspective on our service and on identifying equality and diversity issues, in the context of the future complaints system.

12.3 Members raised the following points in discussion:

- Many people would still prefer contact with a human being rather than an automated response system ('chatbot').
- If there was sufficient HM Treasury Funding for the Transformation Programme. The COO confirmed that we were in discussion with the Treasury about getting 'invest to save' funding.
- It would be helpful to look at how the various funding streams within the programme are reported to the Board.

12.4 The Board **noted** the report.

### **13. Appointment of new Ombudsman**

13.1 The Chief of Staff gave a verbal update. Key points were:

- The timeline for the recruitment and the roles and responsibilities of the parties involved had not yet been agreed, despite numerous attempts
- A candidate pack had been prepared and submitted to PACAC and the Cabinet Office
- A meeting is being sought with William Wragg MP to discuss the requirements of the role but this has not yet been confirmed
- PHSO are concerned about the lack of response from PACAC and are seeking to escalate this. This will need to be signed by the Senior Non-Executive Member.

13.2 The Board **noted** the update.

### **14. Equality, Diversity and Inclusion update**

14.1 The CEO reported that the organisation had recently launched the Active Inclusion programme, which was a series of webinars and activities to help staff understand the importance of inclusivity. The launch had involved Patrick Vernon as a guest speaker and had been well received.

- 14.2 The CEO reported on the work of the Diversity Steering Group, which had looked at the gender pay gap and was planning to look at the ethnicity pay gap.
- 14.3 Ethnic minority recruitment currently stands at 30%.
- 14.4 The Board **noted** the update.

## **15. Quality Committee Update**

- 15.1 The Board received a strategic update from the Committee Chair. Matters discussed included:
- Quality Performance, which remained robust
  - Public and user engagement.
  - An overview of proposals for a future Quality Strategy.
- 15.2 The Chair confirmed that the Committee had agreed that the Digital Strategy will supersede the need for statistical process control.
- 15.3 The Chair thanked departing Interim Quality Manager Stuart Mann for his contributions to the committee during his time at PHSO, and Faridah Newman for her work as Committee Secretariat.

## **16. Audit and Risk Assurance Committee Update**

- 16.1 The Board received a strategic update from the Committee Chair. Matters discussed included:
- an assurance review on sustainability.
  - The process for procuring an internal auditor from 1 April 2023.
  - The broad content of the internal audit plan for 2023-24.
- 16.2 The Chief of Staff informed the Board that TIAA had been appointed as auditors from 2023-24.
- 16.3 The Chair thanked Andrew Dawson for his work as Committee Secretariat.
- 16.4 The Board **noted** the update.

## **17. Annual Report and Accounts**

- 17.1 The Board received a report from the Chief of Staff.
- 17.2 The Board **noted**:
- the progress on the preparation of the annual report and accounts for 2022-23.
  - The proposed format, structure and draft key messages of the Performance Report.

## **18. Board Effectiveness Review**

18.1 The Board received a paper from the Chief of Staff setting out the proposals for the Board Effectiveness Review for 2022-23.

18.2 Members commented that the review should be 'light touch' and should focus on progress following last year's effectiveness review action plan.

**Action: Board Effectiveness Action Plan for 2021-22 to be circulated**

18.3 The Board **noted** the proposal and timeline for the Board Effectiveness Review.

## **19. Financial Monitoring Report - Financial Position at 31 January 2023.**

19.1 The Board received a paper from the COO.

19.2 The COO reported that the current resource underspend now stood at £216k. This was a significantly improved position, following careful prioritisation of outcomes.

19.3 Members queried why nothing had been spent on refurbishment. The process to find a supplier and agree plans had taken longer than expected. The allocated budget had therefore been repurposed to bring forward the planned refresh of ICT equipment from 2023-24, to maximise the use of resources.

19.4 The Board **noted** the report.

## **20. Strategic Risk Report and Register, 2022-23 P10 (January)**

20.1 The Board received a report from the Assistant Director of Transformation (ADT).

20.2 Members raised the following points in discussion:

- Recruitment of specialists. The Assistant director of People and Talent gave a verbal update.
- Whether there were risks/issues around leadership transition. The CEO confirmed that these will be considered and reflected from the next quarter.

**Action: Risks /issues arising from PHSO Leadership Transition to be evaluated and reflected in the risk register/issues log as appropriate.**

20.3 The Board **noted** the report.

## **21. Operations and Corporate Health Performance Report. 2022-23 P10**

21.1 The Board received a report from the Director of Operations, Legal & Clinical, and the COO.

21.2 Members discussed the anticipated future direction of customer service scores and the basis for determining those scores, noting that the system will be enhanced during 2023/24.

## **22. Business Plan, Peer Review Recommendations and Equality Action Plan Update, 2022-23 P10**

22.1 The Board received a report from the ADT.

22.2 Members raised the following points in discussion:

- Whether the Board's future activities could include a peer review of PHSO governance arrangements. This would be for the incoming leadership to take forward.
- Whether the Board could have sight of research commissioned by YouGov into customer awareness. This is not yet available but will be shared with the Board when ready.
- How the empathy in communications will be reflected in the proposed Digital Publishing Platform. It was confirmed that the design of the Platform will include matters such as de-identification, accessibility, understandability and how the organisation reports to complainants.

22.3 The Board noted the report.

**The meeting ended at 16:00**