

**Minutes of the Board Open Session meeting held on 13 December 2023
via VC**

CHAIR

Rob Behrens, Ombudsman

NON-EXECUTIVE MEMBERS

Sir Alex Allan KCB (Senior Non-Executive Member)

John Ainsworth

Polly Curtis

Anne Davies

Dean Fathers

Paul Najsarek

EXECUTIVE MEMBERS

Rebecca Hilsenrath, Chief Executive Officer (CEO)

Gill Kilpatrick, Chief Operating Officer (COO)

IN ATTENDANCE

Karl Banister, Director of Operations, Legal and Clinical

Maria Mansfeld, Chief of Staff

Roz Pedersen, Assistant Director, Finance

Hazel Waddington, Assistant Director, Transformation

Faridah Newman, Executive and Committee Officer (minutes)

OBSERVERS:

Dan Walsh, Senior Programme Manager

APOLOGIES

Michael Parsons, Non-Executive Member

Anu Singh, Non-Executive Member

Amerdeep Somal, Non-Executive Member

Kate Eisenstein, Interim Director of Strategy

6. Chair's Introduction and Welcome

6.1 The Chair welcomed members and attendees to the meeting.

6.2 Members noted apologies from Non-Executive Members Michael Parsons, Anu Singh and Amerdeep Somal, and attendee Kate Eisenstein.

- 6.3 The Chair welcomed today's meeting observer, who joined PHSO in September to lead on the Casework Programme.
- 6.4 The Chair highlighted the key themes of today's meeting as the sustained increased demand for the service and balancing resources to meet this.
- 6.5 The Chair asked the Senior Independent Member to take the Chief Executive's Report (formerly item 10) before the Ombudsman's Report (formerly item 9).

7. Declarations of Interest

- 7.1 Dean Fathers declared that he has been appointed as Chair of the Health Innovation Network for the NHS in the North East and North Cumbria region.

8. Minutes and Matters Arising from the meeting on 27 September 2023

- 8.1 The minutes of the 27 September 2023 meeting were **approved** as a true and accurate record.
- 8.2 Members **noted** that all matters arising are complete.

Strategy - Senior Non-Executive in the Chair

9. Chief Executive's Report to the Board

- 9.1 Members received a verbal update from the CEO.
- 9.2 The CEO relayed her thanks to Non-Executive Member John Ainsworth for his support with the recruitment of a new Chief Digital and Information Officer.
- 9.3 The COO explained that she is considering with colleagues how demand can be managed from a financial investment perspective and potential invest to save models ahead of an initial conversation about this with Board colleagues at the 24 January meeting.
- 9.4 Members discussed the report, including the below key points:
- HM Treasury have been clear that no additional funding is available for 2024/25, but there may be some potential flexibility in terms of the next Comprehensive Spending Review.
 - If demand and resourcing pressures continue, it may be useful to explore whether our Detailed Investigation test is being correctly applied, and whether the threshold for this should be reconsidered.
 - The planned benefits of the Casework Programme to meeting these pressures, including efficiencies through the Digital, Data and Technology (DDaT) Strategy, the Public Value Model (formerly the 'Casework Demand Model') and changes to levels of delegation.
 - The role of Continuous Improvement as well as transformative change in driving a culture of operational excellence, and the intention to reflect this in next year's business plan.

Action: Faridah Newman to liaise with the Casework Programme Delivery Team to invite Board Members to the planned Operation Managers' session about the Public Value Model.

9.5 Members noted the report.

10. Ombudsman's Report to the Board:

10.1 Members received a verbal update from the Ombudsman, including about his visit to Ukraine last week 7 and 8 December since the report was written:

- We are still awaiting responses from the Foreign and Commonwealth Development Office (FCDO) to letters from the Ombudsman (21 December 2022) and Senior Independent Director (3 July 2023) regarding support for the Ukrainian Parliamentary Commissioner for Human Rights.
- The Ombudsman attended the Ukrainian Human Rights Conference and had meetings with two officials at the British Embassy in Kyiv, at which he highlighted our continued wait for a response from FCDO.
- He also spent time with Ukrainian children who had escaped kidnap by Russian forces, and committed some of the funds that PHSO has raised for Ukraine to supporting their work.

10.2 Members discussed the recent announcement by the Department of Health and Social Care (DHSC) on 7 December of its intention to review the statutory duty of candour:

- Several factors, including PHSO's Broken Trust report (in which this was a recommendation), the Letby scandal and ministerial change had encouraged a recognition that culture and leadership in the NHS must be addressed.
- The Director of NHS Quality, Safety and Investigations at DHSC has paid tribute to the Broken Trust report for the insight that it provides into what can happen when things go wrong.

10.3 Members noted the report.

Ombudsman in the Chair

11. Strategic Risk Report 2023/24 P7:

11.1 Members received a verbal update from the AD Transformation.

11.2 Members discussed the report, including the below key points:

- The staff survey has had very high response levels this year as it did last year, but the staff engagement risk rating is also informed by the planned departure of the Ombudsman, the uncertainty around who the incoming Ombudsman will be, strategic workforce planning reviews

and other factors external to and outside the control of the organisation such as the Cost of Living Crisis.

- The management of the funding risk through more modest delivery commitments and prioritising our activity accordingly.
- Potential implications of outreach work for the demand risk and how these are being managed with regular decision points and the new Public Value Model.

11.3 The Ombudsman emphasised that outreach work is vital not just for reaching new complainants but because it also improves our work.

11.4 Members **noted** the report.

12. Financial Management Report 2023/24 P7:

12.1 Members received a verbal update from the AD Finance.

12.2 Members discussed the report, including the emphasis on staff engagement and communications throughout all change and transformation work to mitigate any potential impacts to morale.

12.3 Members **noted** the report.

13. Operations and Corporate Performance Report 2023/24 P7

13.1 Members received verbal updates from the Chief Executive and the Director of Operations, Legal and Clinical.

13.2 Members discussed the report, including potential connections between increased demand or an increase in complex in challenging cases and sickness absence levels, for which there is as yet no clear evidence.

13.3 Members **noted** the report.

14. Business Plan and Strategy Delivery 2023/24 P7:

14.1 Members received a verbal update from the AD Transformation.

14.2 Members discussed the report, and received assurance from the AD Transformation that:

- The next steps of the DDaT Strategy activities as outlined in slide 9 in Annex 3 of the report are currently on track.
- The approach to delivery of the activities within the transformation programme are based on existing resources, and can be expanded if a bid for additional funding was successful.
- The Public Value Model is being tested in the Model Office to protect the wider operation until it is ready for full launch.

14.3 Members **noted** the report.

Governance

15. Quality Committee - Strategic Update

- 15.1 Members received a verbal update from Quality Committee Chair Dean Fathers.
- 15.2 Members noted the update.

16. Audit and Risk Assurance Risk Committee - Strategic Update

- 16.1 In the absence of the Audit and Risk Assurance Committee Chair, members confirmed that they had read the written update.
- 16.2 Members noted the update.

17. Inclusion and Wellbeing Committee - Strategic Update

- 17.1 In the absence of the Inclusion and Wellbeing Committee Chair, members received a verbal update from committee member Dean Fathers.
- 17.2 Members noted the update.

18. Finance Code and Scheme of Financial Delegation

- 18.1 Members received a verbal update from the AD Finance.
- 18.2 Members **approved** the proposed amendments to the Finance Code and Financial Scheme of Delegation.

19. Governance Framework Review Periods

- 19.1 Members received a verbal update from the Chief of Staff.
- 19.2 Members **approved** the proposed extension to the review periods for Board Standing Orders and Board and Committee Terms of Reference.

20. The Ombudsman's Annual Report

- 20.1 Members received a verbal update from the Chief of Staff.
- 20.2 Members discussed the report, including the approach to engaging with PACAC about planned changes to the structure of the annual report: We will present these to the new PACAC Chair after the election and explain our rationale.
- 20.3 Members noted the update.

Other Business

21. Forward Plan & Date of Next Meeting

- 21.1 Members **agreed** the Forward Plan.
- 21.2 Members **noted** that the next meeting will take place on 24 January 2024, remotely via MS Teams.

22. Any Other Business

- 22.1 Members noted that Rob Behrens' last meeting as Ombudsman and Chair of the Board will be on 20 March 2024, in-person.
- 22.2 Members noted that the location of the 20 March Board meeting remains to be confirmed: the Citygate office may not be viable due to planned refurbishment activity, in which case it will take place at Millbank.
- 22.3 Members noted that Paul Najsarek will step down as LGSCO on 31 January 2024 and will be at the 24 January Board meeting the week prior.

23. Review of the Meeting

- 23.1 Members, attendees and the observer shared their reflections on today's meeting.
- 23.2 The Chair commissioned the Inclusion and Wellbeing Committee to reflect on today's external speaker presentation and formulate proposed actions in response to this.

Action: Inclusion and Wellbeing Committee to reflect on the external speaker presentation from the 13 December 2023 Board meeting and:

- **Note this as an example of good practice in public and user engagement;**
 - **Suggest any other examples of good practice that they may be aware of, for Governance to feed back to the Interim D Strategy and Public and User Engagement Manager to inform a Learning Lab on this topic for a wider group of PHSO staff.**
- 23.3 Members discussed the potential benefits of inviting the incoming Ombudsman to observe a Board meeting before they take up the post, if timings allow.
- 23.4 The Chair thanked presenters for their frankness and honesty, and Non-Executive Members for their constructive challenge and engagement.

The meeting ended at 14:53