

Approved Minutes of the Board Open Session meeting held on 23 March 2022

Chair:

Rob Behrens CBE, Ombudsman

Non-Executive members:

Sir Alex Allan KCB

Elisabeth Davies

Linda Farrant

Dean Fathers (by VC)

Balram Gidoomal CBE (by VC)

Carolyn Hirst (by VC)

Anu Singh

Amerdeep Somal

Executive Members:

Amanda Amroliwala CBE, Chief Executive

Gill Kilpatrick, Chief Operating Officer

Apologies

Mick King

Rebecca Bishop (Interim Director, Human Resources)

In attendance:

Karl Banister, Director of Legal, Quality and Clinical

Andy Gillies, Interim Director of Resources

Rebecca Hilsenrath, Director of Strategy and Communications

Abigail Howarth, Director of Operations and Quality

Hazel Waddington, Assistant Director of Transformation

Maria Mansfeld, Chief of Staff

Andrew Dawson, Governance Officer (minutes)

Deborah Rozansky, External Consultant (item 16)

6. Chair's Introduction and Welcome

- 6.1 Rob Behrens welcomed attendees to the meeting. In particular he welcomed Hazel Waddington in her new role, which will involve regular Board attendance.

7. Declarations of Interest

- 7.1 There were no declarations of interest relevant to matters on the agenda.
- 7.2 Rob Behrens informed the Board that he had recently attended a football match as a guest of the Allia Group, in his role as Chair of Governors at Anglia Ruskin University. A potential conflict arose as Ram Gidoomal is Board chair of the Allia Group.

8. Minutes and Matters Arising

- 8.1 The minutes of the open session on 15 December 2021 and the ad-hoc meeting on 26 January 2022 were approved as true and accurate records.
- 8.2 The Board noted that all matters arising from previous meetings had been actioned and were complete.

9. Chief Executive's Report to the Board

- 9.1 The Board received a report from Amanda Amroliwala.
- 9.2 The Board discussed the continued high levels of demand, which had been almost 30% above projected levels for several months, and the pressure this was placing on the organisation. Members considered possible causes, including changes in the NHS and social care landscape.
- 9.3 The Board discussed current difficulties in recruiting staff, reflecting the ongoing recruitment market. Members welcomed the proposal to introduce values-based recruitment in the future.
- 9.4 Members asked whether attrition rates in newly appointed staff were increasing. It was noted that there was no evidence of high levels attrition in staff in the Casework Academy, but that we are losing staff into the recruitment market after 1-2 years.
- 9.5 The Board noted the report.

10. Ombudsman's report and Strategic Update

- 10.1 The Board received a report from the Ombudsman.
- 10.2 The Board congratulated Rob Behrens on the two-year extension to his contract.
- 10.3 The Board discussed the situation in Ukraine and welcomed the Press Notice about the Home Office's failure to produce a package of measures to facilitate the issue of refugee visas. Members noted that we were dealing with this issue before it arose in complaints. This highlighted the need for own-initiative powers.

10.4 The Board **noted** the report.

11. PHSO Staff Survey 2021

11.1 The Board received a paper setting out the high-level results of the 2021 Staff Survey.

11.2 Members welcomed the significant rise (3%) in the employee engagement score.

11.3 The Board discussed the survey results and made the following comments:

- Benchmarking against 2020 results may be artificial due to the Covid-19 pandemic.
- Senior managers were still not sufficiently visible, although this could be in consequence of extended home working.
- There was no mention in the survey of non-executives. Members noted that the Board needed to do more to make itself visible.

11.4 The Board **noted** the paper.

12. Business Plan and Budget 2022-25

12.1 The draft Business Plan and Budget were presented for approval.

12.2 Members raised the following points in discussion:

- The potential impact of raising awareness of PHSO on caseloads and whether resources will be available to deal with increased demand.
- The possible use of artificial intelligence and other ICT adaptations to assist with rising demand. The Board noted that the transformation programme included a number of relevant projects including direct access to NHS records.
- How the Access to Justice project would be implemented.
- Whether modelling had been used to determine the optimum levels of closure of 13, 26 and 52 week cases.

12.3 The Board **approved** the Business Plan and Budget.

13. Diversity Steering Group update

13.1 Anu Singh provided a verbal update. The Steering Group's last meeting had focussed on:

- Alignment with the PHSO strategy`
- Building diversity into recruitment
- Scrutiny arrangements
- The half-yearly diversity data report

- Research by the Freedom to Speak Up Guardian into how staff with protected characteristics use the FTSUG service

13.2 The Board **noted** the update.

14. Quality Committee Update

14.1 The Board received a strategic update from the Quality Committee.

14.2 Dean Fathers expressed the Committee's thanks to Karl Banister and Hazel Waddington as work on the Quality Programme drew to a close. He advised the Board that the outstanding elements will be moved into 'business as usual' activity.

14.3 The Board **noted** the update.

15. Audit and Risk Assurance Committee Update

15.1 The Board received a strategic update from the Audit and Risk Assurance Committee.

15.2 Linda Farrant informed the Board that, following the Cyber Security internal audit, which had reported partial assurance, the Committee had considered the actions taken in response to the findings and report recommendations, and had been assured by the organisation's transparency and constructive response.

15.3 The Committee had also received an assurance review on Recruitment and Retention.

15.4 The Board **noted** the update.

16. Board Effectiveness Review 2021-22

16.1 The Board received a paper from Rob Behrens and Deborah Rozansky setting - out the proposed objectives, timeline and approach to the Board Effectiveness review.

16.2 Board members discussed what they wanted the review to achieve and issues for the review to address, including:

- Changes in the Board dynamic caused by remote and hybrid meetings
- Whether there was sufficient peer challenge in Board meetings
- The future role of the Board in an outward-facing organisation.
- How the Board could contribute to user panels and other customer-facing groups.

16.3 Elisabeth Davies and Carolyn Hirst agreed to participate in the review after their departure from the Board.

16.4 The Board **agreed** the objectives, process and timetable for the Board Effectiveness Review.

17. Annual Report and Accounts 2021/22

- 17.1 The Board received an update on the annual report project.
- 17.2 Members discussed the length of the annual report but noted that much of the content was required by the HM Treasury Financial Reporting manual.
- 17.3 The Board **noted** the update.

18. Business Plan and Equality Action Plan Update January (P10) 2021/22

- 18.1 The Board received a report from Gill Kilpatrick.
- 18.2 Members commented that they were pleased that much of the Clinical Advice Review had been implemented but felt that the remaining elements should be prioritised. They noted that we are now developing quality standards around clinical advice.
- 18.3 Members welcomed the progress made on the NHS and Government Complaints Standards.
- 18.4 The Board noted the progress made against the 2021/22 Business Plan and Equality Action Plan.

19. Financial Monitoring Report January (P10) 2021/22

- 19.1 The Board received and noted a report from Andy Gillies.

20. Operations and Corporate Performance Report January (P10) 2021/22

- 20.1 The Board received a report from Gill Kilpatrick and Abigail Howarth.
- 20.2 Members discussed the issues raised in the report and raised the following points in discussion:
 - Whether it would be possible to retain a bank of former /departing PHSO staff as a reserve.
 - Whether, following the pandemic, it would now be appropriate to revisit casework targets. Members noted that current targets were aimed at reducing the casework queue. Whilst we were retaining the 13, 26 and 52 week targets these were now primarily indicative and may not be achievable.
 - How performance could be benchmarked to take into account changes in working arrangements and other changes (the “new normal”) following the pandemic? Members noted that this was a challenge across the Ombudsman sector.
 - Members welcomed the continued reduction in unallocated cases.
- 20.3 The Board **noted** the report.

21. Strategic Risk Report January (P10) 2021/22

- 21.1 The Board received a report from Hazel Waddington.
- 21.2 Members noted that the position on strategic risk was stable and that the outlook was improving on SR4 (Funding) and SR5 (Staff Engagement).
- 21.3 Members discussed emerging risks around the Transformation Programme and recruitment and retention, and the actions in place or proposed to mitigate the risks.
- 21.4 Members **agreed** the current strategic risks and **noted** the report.

22. Any Other Business

- 22.1 Maria Mansfeld informed the Board that it was necessary to change the date of the Remuneration and Nominations Committee meeting in June. A new date will be notified as soon as possible.

23. Departing Board Members

- 23.1 Members noted that it was the final Board meeting for Elisabeth Davies and Carolyn Hirst. Rob Behrens thanked both for their contribution to the Board and the organisation. He also thanked Elisabeth Davies for her work as senior independent member.

The meeting ended at 15:30