

Approved Minutes of the Board Open Session meeting held on 25 June 2021 (Video conference)

Chair:

Rob Behrens CBE, the Ombudsman

Non-Executive members:

Sir Alex Allan KCB

Elisabeth Davies

Linda Farrant

Dean Fathers

Balram Gidoomal CBE

Carolyn Hirst

Anu Singh

In attendance:

Karl Banister, Director of Legal, Quality and Clinical

Bipon Bhakri, Director of Resources

Rebecca Hilsenrath, Director of Strategy and Communications

Abigail Howarth, Director of Operations

Maria Mansfeld, Chief of Staff

Andrew Dawson, Governance Officer
(minutes)

Jane Touil, Freedom to Speak Up
Guardian (Item 12)

Executive Members:

Amanda Amroliwala CBE, Chief Executive

Gill Kilpatrick, Chief Operating Officer

Apologies

Mick King

Observers

Hannah Maston, Senior caseworker

Heather Ransom, Public Affairs and Insight
Manager (item 11)

6. Chair's Introduction and Welcome

- 6.1 Rob Behrens introduced the meeting and welcomed members and others attending. He welcomed Rebecca Hilsenrath to her first Board meeting.

7. Declarations of Interest

- 7.1 There were no declarations of interest.

8. Minutes and Matters Arising

- 8.1 The minutes of the Board meeting on 24 March 2021 were **accepted** as a true record.
- 8.2 The Board **noted** the updated table of actions and matters arising from previous meetings.

Elisabeth Davies took the Chair

9. Chief Executive's report to the Board

- 9.1 The Board received a report from Amanda Amroliwala.
- 9.2 Amanda Amroliwala added that she wished to recognise the work of Neil Brook and his team, whose work on demand management had provided an accurate projection which reflected the current casework position.
- 9.3 The Board raised the following matters in discussion:
- The improvement to the ambulance triage system in response to a PHSO investigation was a significant development.
 - The improving casework performance during April and May represented real progress after a difficult year. This was as a result of improved forecasting and an improvement in productivity which flowed from a number of factors, including a decrease in sickness absence.
 - Board members discussed whether there was an impact on casework quality, and were assured that the previous 12 months had seen significant overall improvements.
- 9.4 The Board **noted** the report.

10. Ombudsman's report

- 10.1 The Board received a report from Rob Behrens, who said that the focus of his report was on external meetings and PHSO's future strategy.
- 10.2 Rob Behrens wished to highlight in particular the adoption by the International Ombudsman's Institute of the Manchester Memorandum, which showed the importance of our approach.

10.3 Rob Behrens informed the Board that Amerdeep Somal had recently been appointed as a non-executive Board member to fill the current vacancy. She will join the Board on 1 July.

10.4 Board members made the following points in discussion:

- The recent round of external meetings showed that the organisation was building effective relationships with key stakeholders.
- It is important to note that the Venice Principles are not mandatory. One or two of the principles take the Ombudsman further in powers than the UK Government is likely to be content with. An example of this is the right to challenge the constitutionality with UK laws. Clearly that is not on PHSO's agenda.
- PHSO's Parliamentary casework was increasingly attracting public attention, sometimes ahead of health casework. The actions by the executive to build expertise in Parliamentary casework had played a critical part in this.
- Board members welcomed the increasing opportunities to spend time with staff as we emerged from the pandemic.
- The Board welcomed the attention paid to equality and diversity during the recent Board member recruitment exercise.

10.5 The Board **noted** the report.

11. 2022-2025 Strategy and the Spending Review

11.1 The Board received a paper from Rebecca Hilsenrath.

11.2 The Board **noted** the proposed process and timetable for developing the corporate strategy for 2022-25.

11.3 Board members raised the following points in discussion:

- Strategic impact and maximising casework output were not exclusive. It was important to maximise the organisation's impact, but this was in turn dependent on complaints to give us our core product. We needed to handle complaints efficiently, whilst maintaining quality.
- Improved strategic impact could result in an increase in complaints received, e.g. if our profile is increased or we are successful in reaching marginalised groups. This would have to be managed in line with sound principles of demand management.
- It was essential to consult with key stakeholders during the development of the strategy. Much of the strategy has been consulted on already, but options for further consultation were being considered.
- Board members were concerned that they would not have sight of the Comprehensive Spending Review submission until after it has been submitted to HM Treasury.

- Appropriate contingency plans needed to be in place in the event that we did not receive all funding bid for under CSR. It was confirmed that we are looking very closely at this and aiming to develop effective scenario plans with clear priorities.
- The complaint handling landscape is now crowded, and we need to continue to give clarity to our emerging strategic position. This includes resolution and mediation, as well as investigation.

Action: Timetable for CSR submission to be amended to provide Board members with sight of draft bid before submission.

11.4 The views expressed by Board members were noted and would be taken into account in the draft of the strategy to be presented at the September Board meeting.

12. Freedom to Speak Up Guardian (FTSUG) Annual Report

12.1 Jane Touil presented her annual report for 2020-21 to the Board.

12.2 Board members raised the following issues in discussion:

- It may be useful to measure whether staff felt free to come back to the FTSUG after raising an issue.
- Were staff trained in dealing with conflict and would this be helpful in dealing with internal disputes?
- It was notable that BAME staff were under-represented in raising concerns. The Board discussed the possible reasons for this and noted approaches being taken in PHSO and more widely.
- It had been reported that, during the pandemic, some organisations had developed a closed culture, and that Boards had become increasingly separated from the workforce.
- Members expressed interest in engaging further and supporting the FTSUG in her work to develop a deeper speak up culture. It was **agreed** that Maria Mansfeld will act as a gateway for Board member engagement.

12.3 The Board **noted** the report.

Rob Behrens took the Chair

13. Equality, Diversity and Inclusion Steering Group Update

13.1 Anu Singh provided a verbal update on the work of the Equality, Diversity and Inclusion Steering Group (DSG).

13.2 The members of the working group who support the DSG, are driving forward a considerable agenda, and activities include:

- Development of a coaching skills seminar for managers, aimed at supporting managers in difficult conversations.

- Promoting the visibility of our work on E,D&I, including drafting material for the intranet.
- Developing the ED&I Insight Plan, looking at diversity issues in casework.
- Training on equality impact assessments.

13.3 The Board **noted** the update.

14. Quality Committee - Strategic Update

14.1 Dean Fathers gave a verbal report of the matters discussed at the Quality Committee meeting on 20 May 2021. The meeting had included a review of Year 1 of the Quality Programme and a summary report on Impartiality interviews.

14.2 The Committee had considered feedback from the 2020-21 Committee Effectiveness Review, which fed into the Board Effectiveness Review, and had agreed next steps.

14.3 Dean Fathers expressed the Committee's thanks to Elisabeth Davies for the work she had done as Committee Chair.

14.4 Dean Fathers reported that Tony Dysart (Lead Clinician) now attended Quality Committee meetings and was making a significant contribution to the Committee's work.

14.5 The Board **noted** the update.

15. Audit and Risk Assurance Committee - Strategic Update

15.1 Linda Farrant gave a verbal report of matters discussed at the Audit and Risk Assurance Committee on 12 May 2021. The meeting had included key reports from our auditors:

- RSM had provided their Head of Internal Audit Opinion, which was green - i.e. we operate an adequate and effective framework for risk management, governance and internal control.
- The National Audit Office presented their interim audit of PHSO's 2020/21 Financial Statements. No issues of concern had been identified.

15.2 The Committee had received a detailed presentation from Rebecca Hilsenrath on our approach to Value for Money. Board members noted the proposal to conduct a further peer review exercise in 2021/22 subject to the removal of pandemic constraints.

15.3 The Committee had recommended the draft Governance Statement to the Ombudsman and the Board.

15.4 The Committee had approved a revised Assurance Table, and a revised and updated Conflict of Interests Policy.

15.5 The Committee had agreed its Committee Effectiveness Review, which will feed into the Board Effectiveness Review.

15.6 Board members **noted** the update

16. Board Effectiveness Review

16.1 The Board received a paper from Maria Mansfield setting out the findings of the 2020-21 Board Effectiveness Review.

16.2 Board members discussed and **agreed** the report findings.

16.3 The following points were made in discussion:

- Members said that they would welcome the opportunity to acquire a better understanding of PHSO's casework processes and to be included in high profile casework discussions.
- Members indicated that, post-pandemic restrictions, they would wish to spend more time in the workplace and have the opportunity to meet PHSO staff.

17. Annual Report and Accounts, 2020-21

17.1 The Board received a paper from Maria Mansfield, including the first draft of the Annual Report, for review.

17.2 The Board discussed the draft Annual Report and made the following comments/queries:

- The draft report was a good piece of work.
- Members clarified that PACAC will review the performance report at their scrutiny hearing.
- Members were concerned that the presentation of statistics about closed complaints did not tell the full story, but were satisfied that the changes in reporting in the 2020/21 Annual Report were a significant step in developing our performance reporting.
- Members asked whether the Complaints Standards Framework had been given sufficient prominence.
- Whilst the figure of 20% for upheld reviews initially appeared high, it demonstrated that we are transparent and responsive.

17.3 The Board **noted** the report and timetable for publication.

18. Business and Equality Action Plan Update - March 2021(end of year)

18.1 The Board received a report from Rebecca Hilsenrath.

18.2 Members discussed the delay in delivery of the HR Transformation Project and asked for assurance that any risks arising from this were being managed. It was confirmed that the main reason for the delay was the deferral of the implementation of a new HR system due to the impact of the pandemic on capacity. The executive provided the following assurances:

- The Transformation Board were due to meet w/c 28 June 2021 to move the HR System Implementation forward.
- The required HR Policies had been drafted and were with the Chief Operating Officer.
- Implementation of changes will be managed carefully and will be gradual.
- Risks and issues are being managed.

18.3 Members noted that the Clinical Advice Project was also 'Red' but were satisfied that this was being taken forward.

18.4 The Board **noted** the report.

19. Financial Management Report, March 2021(end of year)

19.1 The Board received a report from Bipun Bhakri.

19.2 The Board discussed the reasons for underspends in Resource expenditure (0.83%) and Capital (21.7%).

19.3 The Board were assured that expenditure was within control totals, and that the interim audit of the accounts had identified no matters of concern.

19.4 The Board **noted** the report.

20. Operations and Corporate Performance Report, March 2021 (end of year)

20.1 The Board received a report from Abi Howarth and Gill Kilpatrick.

20.2 Abi Howarth informed the Board that after rising to 3,300 in early April, the number of unallocated cases had reduced to 2600. The number of cases over 12 months old had reduced by 25%in the same period.

20.3 Board members raised the following points in discussion:

- Service charter data suggested that the scores had levelled off. However the scores were based on a limited sample size.
- Much of the report data included the period when casework was 'paused'. It would be helpful to see figures excluding the period of the pause.

Action: Abi Howarth to share casework figures excluding the period casework was paused.

- Members noted that it was currently too early to monitor the impact of Complaints Standards Framework, but that could potentially reduce complaints received.
- If dealing with fewer, more complex complaints, the time taken to complete an investigation could potentially increase. This will be kept under review.

20.4 The Board **noted** the report.

21. Strategic Risk Report and Register, March 2021

21.1 The Board received a report from Rebecca Hilsenrath.

21.2 Rebecca Hilsenrath informed the Board that, at the ARAC meeting on 7 July 2021, she will be putting forward a proposal to refresh the Strategic Risk Register.

21.3 The Board **noted** the report.

22. Other Business

22.1 Gill Kilpatrick informed the Board that there were two procurement items which passed the threshold of £500k and would therefore require the Board's approval. These are the procurement for the renewal of Microsoft Licenses and the Recruitment Framework. These would be dealt with by correspondence.

The meeting ended at 15:55