

## Approved Minutes of the Board Open Session meeting held on 17 December 2020 (Video conference)

### Chair:

Rob Behrens CBE, the Ombudsman

### Non-Executive members:

Sir Alex Allan KCB

Elisabeth Davies

Linda Farrant

Dean Fathers

Balram Gidoomal CBE

Alan Graham MBE

Carolyn Hirst

Mick King

Anu Singh

### Executive Members:

Amanda Amroliwala CBE, Chief Executive

Gill Kilpatrick, Chief Operating Officer

### Observer:

Suzy Ashworth, Expert Advisory Panel member

### In attendance:

Karl Banister, Director of Legal, Quality and Clinical

James Hand, Assistant Director of Business Management

Abigail Howarth, Director of Operations

Maria Mansfeld, Chief of Staff

Warren Seddon, Director of Strategy and Communications

James Walsh, Interim Director of Resources

Andrew Dawson, Governance Officer (minutes)

Gillian Hodgson-Reilley, Assistant Director of Casework (Items 12&13)

Kevin Bennett, Executive Assistant (Items 12 &13)

Lucy Potter, Caseworker (Items 12 &13)

### Expert Advisory Panel members (Presentation: Patient Safety)

Suzy Ashworth

Nick Coleman

Bill Kirkup

James Titcombe

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

- 6.1 Rob Behrens introduced the meeting and welcomed members and others attending. He welcomed Suzy Ashworth from the PHSO Expert Advisory Panel, who was attending as an observer.

## **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 1 October 2020 were **approved** as a true record of the meeting.
- 8.2 The Board **noted** the updated table of actions and matters arising from previous meetings. The Board **agreed** to reframe action 7.1 as follows:

**Action: Governance to provide Board members with a list of current projects and topics, which Board members may wish to express an interest in either supporting or being involved.**

### **Elisabeth Davies took the Chair**

## **9. Chief Executive's report to the Board**

- 9.1 The Board received a report from the Chief Executive, setting out updates on Operational Performance, the Comprehensive Spending Review (CSR) and headlines from the 2020 Staff Survey.
- 9.2 Amanda Amroliwala informed the Board that PHSO's Finance Team had won the Finance Team of the Year Award (National Bodies) at the CIPFA<sup>1</sup> annual Public Finance Awards.
- 9.3 The Board discussed the current casework position and the proposed measures to manage the queue of unallocated cases. Members raised the following issues in discussion:
- Possible temporary changes to the service model to allow staff to focus on cases from the queue.
  - Whether other Ombudsman organisations are facing similar issues and how they are dealing with those impacts.
  - Whether there was a risk in recruiting to clear the queue in the light of the one-year CSR settlement. The Board were assured that the use of fixed term contracts and natural attrition will mitigate this risk.
  - The measures in place to support staff who continue to be impacted by restrictive measures in response to the pandemic.
- 9.4 The Board **noted** the report.

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<sup>1</sup> Chartered Institute of Public Finance and Accountancy

## **10. PHSO Strategy 2021-24**

- 10.1 Following the announcement by HM Treasury (HMT) of a one-year CSR settlement for 2021/22, that any funding increases should be used to address the impact of COVID-19 and that new, 'discretionary' activity would not be funded, the Board received a paper setting out a proposed one- year 'bridging strategy'.
- 10.2 Board members made the following points in discussion:
- Whilst responding to the impact of the pandemic is the first priority, we should not ignore other strategic priorities.
  - We should aim to deliver on Quality Programme activities.
  - Mediation, and the development of a Systemic Investigation team should also be priorities.
- 10.3 Rob Behrens assured the Board that the revised approach aimed to strike a reasonable balance between operational activities and strategic ambitions.
- 10.4 The Board **agreed** that a one-year bridging strategy should be developed for 2021/22.

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

- 11.1 The Board received a report from the Ombudsman covering the recent scrutiny session before the Public Administration and Constitutional Affairs Committee (PACAC); engagement with staff during the pandemic; and recent casework issues including the issue of the Insight Report on Continuing Healthcare. The report also included the Ombudsman's current SWOT analysis of the organisation's strengths, weaknesses, opportunities and threats.
- 11.2 Board members welcomed the SWOT analysis and raised the following points in discussion:
- We needed to be positive rather than defensive about achievements and progress.
  - The quality of information provided to Board members was excellent.
  - The adoption of the Venice Principles by the United Nations General Assembly presented a significant opportunity for Ombudsman reform.
- 11.3 The Board asked for the SWOT analysis to be shared with the wider organisation and brought back to the Board for further discussion. This was **agreed**.

**Action: Ombudsman to amend the SWOT analysis and share with whole organisation.**

- 11.4 The Board **noted** the report.

**Rob Behrens resumed the Chair**

## **12. PRIDE at PHSO**

- 12.1 The Board received a presentation from members of the PRIDE at PHSO network on their work to represent the interests of LGBT+ staff at PHSO.
- 12.2 The PRIDE at PHSO group invited Board Members to attend future meetings.
- 12.3 Board members welcomed the presentation. In discussion, the Board considered what more needed to be done to make LGBT and other minority staff feel safe in the workplace, and what individual members could do to be an effective ally.
- 12.4 The Board **noted** the presentation.

## **13. Inclusion Allies and Ambassadors**

- 13.1 The Board received a presentation from Anu Singh on the Board's role in promoting inclusion and diversity in the workplace.
- 13.2 Following the presentation, Board members had a detailed discussion about the contents of the presentation and the actions required to further promote and develop diversity and inclusion across the organisation. Members **agreed** to make personal pledges on how they would be inclusion allies.

**Action: Board members to submit personal pledges on inclusion and allyship to the Chief of Staff.**

- 13.3 The Board **noted** the presentation.

## **14. Quality Committee - Strategic Update**

- 14.1 The Board received a summary report from the Quality Committee meeting on 19 November 2020.
- 14.2 The Committee Chair highlighted points from the report:
  - A key theme for the committee was the balance between quality and the need to manage the number of unallocated cases.
  - Whilst the figures on cases meeting the publishing standard and being right first time were of concern, closer analysis showed that the main issue was presentational rather than incorrect decisions.
- 14.3 Board members discussed the potential links between casework pressure and quality, noting that failure to take appropriate steps to manage the casework queue would eventually impact on casework quality as pressure on caseworkers increased.
- 14.4 The Board **noted** the update and commented positively on the revised one page summary.

## **15. Audit and Risk Assurance Committee**

- 15.1 The Board received a summary report from the ARAC meeting on 26 November 2020.
- 15.2 The Committee Chair highlighted the following points of interest:

- The National Audit Office now have a new Director of Engagement. The Chair had met with her privately in advance of the meeting.
- The Chair's annual ARAC report for 2019/20 will be submitted to the March Board meeting.
- The Committee had noted the success of PHSO's Finance Team in the CIPFA Public Finance awards.
- The Committee had been assured by good progress on the implementation of audit recommendations from our internal report and in RSM's Follow up report.
- The Committee had received an excellent presentation on PHSO's approach to cyber-security.
- The Committee had discussed the issue of direct contact between complainants and our auditors. The organisation had agreed to brief the National Audit Office and to develop a joint protocol for such contacts.<sup>2</sup>

15.3 In discussion, Board members asked about the reported work to look at how risk is reported to the Committee. The Chair confirmed that this work will include how risk is reported to the Board.

15.4 The Board **noted** the summary report.

## **16. Review of the Governance Framework and Risk Management Policy**

16.1 The Board received a paper setting out proposed changes to the Governance Framework and to the Risk Management Policy, renamed the Risk Management Framework. The changes had been discussed and were recommended by the Audit and Risk Assurance Committee.

16.2 The Board reflected it would be useful for members to have access to these governance documents in paper form.

16.3 Dean Fathers expressed an interest in finding out more about our approach to Risk Management.

16.4 The Board **approved** the revised Governance Framework and Risk Management Framework.

**Action: Governance to arrange a separate discussion on Risk Management with Dean Fathers.**

**Action: Governance to send finalised copies of the Governance Framework and Risk Management Framework to non-executive members.**

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<sup>2</sup> Update (July 2021) This action has been discontinued as it is not NAO policy to develop protocols with individual bodies.

## **17. The Ombudsman's Annual Report and Accounts - Lessons Learned from 2019-20 and Timeline for 2020-21**

- 17.1 The Board received a review of the process followed to prepare the annual report and accounts for 2019/20, and a timeline for the annual report and accounts for 2020/21.
- 17.2 The Board noted that the annual external audit of accounts was planned to be completed earlier than in previous years, and that it may be necessary to change the dates of ARAC and Board meetings.

**Action: Governance to canvas Board members and propose new dates for the ARAC Technical Walkthrough of Accounts meeting and the ARAC and Board Meetings to approve the annual report and accounts.**

- 17.3 The Board noted the report.

## **18. Financial Management Report**

- 18.1 The Board received a report setting out the forecast financial position at the end of October 2020 (P7).
- 18.2 The Board noted the report and the forecast financial position.

## **19. Operational and Corporate Performance Report**

- 19.1 The Board received a report giving an overview of operational and corporate health performance up to July 2020 (P7), and an update on PHSO Insight reports. The report included the proposal to manage the queue of unallocated cases (discussed at 9.3 above)
- 19.2 The Board discussed issues arising from the report including:
  - The impact of the COVID-19 pandemic on staff sickness absence, including long term absence, and absence for mental health reasons.
  - Whether it was possible to pool recruitment with other Ombudsman schemes, rather than schemes competing separately in the market for staff.
- 19.3 The Board noted the report.

## **20. Business Plan and Equality Action Plan update**

- 20.1 The Board received an update report on the Business Plan and Equality Action Plan up to October 2020 (P7).
- 20.2 The Board noted the update.

## **21. Strategic Risk Report and Register**

- 21.1 The Board received a report for October 2020 (P7) setting out the analysis of current strategic risks and issues, the mitigations in place, and the position against risk tolerances.

21.2 Board members welcomed the proposal to merge risks SR 24 (Coronavirus COVID-19) and SR26 (Long term impacts of working from home) into a new risk SR27 (COVID-19 impact on staff wellbeing and productivity). Members commented that the rationale for this was very clear and reflected that the organisation were handling the crisis effectively.

21.3 The Board:

- **noted** and **agreed** the strategic risks.
- **noted** the actions planned to mitigate the level of risk.
- **noted** the current corporate issues.
- **noted** performance against agreed risk tolerance measures.

## **22. Any Other Business**

22.1 Rob Behrens noted that it was James Walsh's only attendance at Board as interim Director of Resources. He thanked James for his contribution to the meeting and for his work for PHSO.

22.2 Rob Behrens thanked Board members for their contribution to the PHSO All Staff Event on 16 December.

## **23. Review of meeting**

23.1 Suzy Ashworth provided a review of the meeting, which had exceeded her expectations. In particular the session on the Risk management Framework had been very useful.

## **24. Forward plan and date of next meeting**

24.1 The date of the January Board meeting on the forward plan was incorrect. The correct date was confirmed as 27 January 2021. Subject to that correction, the forward plan was **noted**.

24.2 The next meeting is on 27 January 2021.

**The meeting ended at 16:00**