

Approved Minutes of the Board Open Session meeting held on 28 September 2022 at Citygate, Manchester

Chair:

Sir Alex Allan KCB (Senior non-executive member)

Non-Executive members:

Polly Curtis
Linda Farrant (MS Teams link)
Dean Fathers
Balram Gidoomal CBE)
Mick King
Anu Singh

Executive Members:

Amanda Amroliwala CBE, Chief Executive
Gill Kilpatrick, Chief Operating Officer

Apologies

Rob Behrens CBE, Ombudsman
Anne Davies
Amerdeep Somal
Hazel Waddington, Assistant Director of Transformation

In attendance:

Karl Banister, Director of Legal, Quality and Clinical
Rebecca Bishop (Interim Director, Human Resources)
Rebecca Hilsenrath, Director of Strategy and Communications
Abigail Howarth, Director of Operations and Quality
Maria Mansfeld, Chief of Staff
Andrew Dawson, Governance Officer (minutes)
Anna Neill, Liaison Manager (item 16)

Observers

Jennifer Adams, Application Support and Development Engineer
Rachel Cue, Executive and Committee Administration Officer
Deirdre Micklethwaite, Assistant Director of Casework

5. Chair's Introduction and Welcome

- 5.1 Alex Allan took the Chair as Senior Independent Member in the absence of Rob Behrens.
- 5.2 Alex Allan welcomed attendees to the meeting.

6. Declarations of Interest

- 6.1 There were no declarations of interest relevant to matters on the agenda.

7. Minutes and Matters Arising

- 7.1 The minutes of the open session on 2 June and 6 July 2022 were approved as true and accurate records.
- 7.2 The Board noted that all matters arising from previous meetings had been actioned or superseded and were complete.
- 7.3 Members asked whether there was an update on the percentage of female leavers (June 2022, par 12.2). It was noted that the Diversity Steering Group are still looking at this issue.

8. Chief Executive's Report to the Board

- 8.1 The Board received a report from the Chief Executive.
- 8.2 Members welcomed the publication of the Future Working Practices pilot evaluation report.
- 8.3 The Chief Executive informed members that PCS had given notice of their intention to ballot their members on industrial action over issues including pay, Civil Service pensions, and redundancies. She acknowledged that the rising cost of living was a significant challenge and outlined proposals for PHSO's reward gateway which would give staff discounts at a range of stores.
- 8.4 Members discussed the legal standing of PHSO in relation to a national strike.
- 8.5 Members raised the following points in discussion:
 - The implications of proposals to outsource a small number of continuing healthcare (CHC) casework as a sample exercise. Members noted that this was a sample exercise aimed at clearing a specific body of casework. The exercise will be reported to the Quality Committee.
 - Recruitment and the performance of Michael Page. Members noted that the Audit and Risk Assurance Committee were undertaking an assurance review of the Recruitment Strategy in November.
 - The ongoing effects of the pandemic on bodies in jurisdiction and how this was impacting on casework

8.6 The Board **noted** the report

9. Ombudsman's report and Strategic Update

9.1 Members received a report from the Ombudsman.

9.2 Members raised the following matters in discussion:

- High risk casework (HCW), and the current arrangements for HCW meetings.
- The publication of joint reports with the Local Government and Social Care Ombudsman.
- Proposals for reaching out to vulnerable communities.
- Whether there had been any further developments in the Joint Select Committee's inquiry into the possibility of a Human Rights Ombuds.
- The implications of the recent mini budget for PHSO.

9.3 The Board **noted** the report.

10. Peer Review Update

10.1 The Board received a report from the Director of Communications and Strategy.

10.2 Members raised the following matters in discussion:

- How the value of various PHSO activities and outputs, including systemic leadership, special reports and signposting, could be recognised and articulated.
- Whether the timescale to respond to the peer review exercise was sufficient.
- The purpose of the peer review exercise and the need to emphasise PHSO's independence.

10.3 The Board **noted** the report and the progress made on the 2022 Peer Review exercise.

11. Transformation Report

11.1 The Board received a report from the Chief Operating Officer.

11.2 Members raised the following points in general discussion:

- How the Transformation Portfolio would require colleagues to work outside of their usual "silos" and the need to develop brokering skills.
- How the Board could support the development and delivery of the Transformation Portfolio.
- The arrangements that are in place for oversight of the Transformation Portfolio and its three main programmes.

- Whether there was sufficient capacity in the Programme Management Office.
- 11.3 The Chief Operating Officer confirmed the intention to bring regular progress reports to the Board.

Casework Programme

- 11.4 The Board received a presentation from the Director of Legal, Quality and Clinical on the Casework Programme setting out the programme aims, proposals to achieve them and activity to date.
- 11.5 Members raised the following points in respect of the Casework Programme
- The need to utilise external consultancy and support where appropriate
 - Current difficulties around the recruitment of suitably skilled specialists, e.g. in ICT and data security.
 - The interdependency of various parts of the programme and the need to sequence activities efficiently.
 - The possibility of a pro-active approach to selecting strategic casework and the continuing need to handle some casework reactively and to investigate a broad range of cases.
 - How the organisation intended to engage with the Board. The Director of Legal, Quality and Clinical advised members that it was intended to hold an open session with the Board on the Casework Programme during Q4 and to report progress regularly.
 - Members noted that data collection was a key element of the Casework Programme and asked whether we had the appropriate skills.

Action: Director of Legal, Quality and Clinical to provide more information about the data collection work and the staff skills available, and an assurance about the timescale for this work.

People and Culture Programme

- 11.6 The Board received a presentation from the Director of Communications and Strategy, as senior responsible owner (SRO) for the People and Culture Programme.
- 11.7 Members raised the following points in discussion:
- Members noted that the Programme was closely interdependent with many other workstreams.
 - Some of the wording used could be interpreted as being divisive between management and staff.
 - Whether the expectations of staff should reference a Competency Framework and minimum requirements in terms of performance.

Access to Justice Programme

- 11.8 The Board received a verbal update from the Director of Operations and Quality (SRO for the Access to Justice Programme) and the Director of Strategy and Communications.
- 11.9 The update summarised current activities, including work on outreach, public/user engagement, and engagement with advocates.
- 11.10 The Board **noted** the report and the updates for each programme.

12. Diversity Steering Group Update

- 12.1 Anu Singh gave a verbal update from the Diversity Steering Group. She noted that during September 2022, the organisation was promoting Inclusion and Wellbeing Month, and outlined some of the activities during the month.
- 12.2 Anu Singh commented that the Pride@PHSO day had been celebrated at both offices.
- 12.3 Members discussed the lack of diversity of staff in senior positions.
- 12.4 Ram Gidoomal gave a brief outline of his recently published book on his experiences as a refugee in the United Kingdom.
- 12.5 Members noted the attack on a member of staff following the Manchester Pride March and were pleased to hear that the individual concerned had recovered well.
- 12.6 The Board **noted** the update.

13. Quality Committee Strategic Update

- 13.1 Dean Fathers provided a verbal update from the Quality Committee meeting held on 8 September 2022 and highlighted the following:
 - A review of Quality activity for the remainder of the year;
 - A review of quality-related Transformation Portfolio activities;
 - A review of Committee Effectiveness processes. The review will in future include feedback from the Expert Advisory Panel (EAP) chair and an Equality, Diversity and Inclusion representative.
- 13.2 There were no matters requiring escalation to the Board.
- 13.3 The Board **noted** the update.

14. Audit and Risk Assurance Committee Update

- 14.1 Linda Farrant provided a strategic update from the Audit & Risk Assurance Committee meeting on 17 September 2022 and highlighted the following:
 - Detailed consideration of the Strategic Risk Register (SRR) and how that could be used as a management tool.

- The Committee had recognised the increasing risks due to the political environment. The Chair assured the Board that the Committee were providing appropriate challenge on the SRR.
- The Committee had carried out an assurance review of the Transformation Portfolio governance structure and had emphasised the need to articulate the benefits of the Programme.

14.2 There were no matters requiring escalation to the Board.

14.3 The Board **noted** the update.

15. Board Effectiveness Review Action Plan

15.1 The Chief of Staff presented a paper from the Ombudsman including the Board Effectiveness Action Plan.

15.2 Members asked about Succession Planning and the arrangements for the appointment of a new Ombudsman. The CEO advised that the organisation was in discussion with the Cabinet Office. The process will start early in 2023 and is expected to last a year.

15.3 Members commented that the plan did not include proposal for non-executives to spend time with PHSO staff before or after Board meetings, which had been proposed during the review exercise.

Action: Chief of Staff to discuss with the Ombudsman options for including Board member contact with staff before/after Board meetings.

15.4 Members **approved** the Board Effectiveness Action Plan.

16. NHS Complaints Standard Pilot Update

16.1 The Board received a presentation from the Liaison Manager, summarising the actions taken to pilot the use of the NHS complaints standards in NHS organisations, and the feedback received following the pilot exercise.

16.2 Members raised the following matters in discussion:

- The provision of training to NHS staff involved in the pilot, which had been delivered by PHSO staff via MS Teams.
- How self-assessment operated in practice, and the mechanisms for providing feedback to PHSO.
- The possibility of drawing on feedback from NHS complaints handlers as part of the next Peer Review exercise.
- Whether PHSO might promote the Complaints Standards at future NHS Providers events.

16.3 Members **noted** the presentation.

17. Strategic Risk Report and Register, 2022-23 P4

- 17.1 The Board received a report from the Chief Operating Officer. She highlighted the current volatility in the external environment, which was largely out of PHSO's control. She assured the Board that the organisation was planning for all eventualities and was remaining in close contact with HM Treasury regarding future funding.
- 17.2 Members noted that the possibility of industrial action over pay and other issues added to the uncertainty faced by the organisation.
- 17.3 Members raised the following matters in discussion:
- The impact of the proportionality principles in August. Members noted that this was an additional challenge but was delivering some benefit.
 - The impact on staff of the volatile external environment, and the actions being taken to ensure business readiness, including emotional and cultural capacity to ensure that changes land well.
 - The need to pause activities that are not core business or part of the Transformation Portfolio.
- 17.4 The Board **agreed** the current strategic risks and noted the actions being planned or undertaken to mitigate levels of risk.

18. Operations and Corporate Health Performance Report, July (P4) 2022-23

- 18.1 The Board received a report from the Chief Operating Officer and the Director of Operations and Quality.
- 18.2 Members noted that demand had levelled off but remained 8% higher than our predictive models. Despite this, the overall picture was positive; output and productivity had increased, as had casework quality.
- 18.3 Members note that sickness absence levels had improved and that absence due to stress and depression had reduced significantly since the pandemic.
- 18.4 The Board **noted** the report.

19. Business Plan and Equality Action Plan 2022-23 P4

- 19.1 The Board received a report from the Chief Operating Officer.
- 19.2 Members queried the amber rating on the implementation of the new Human Resources ICT system. Members noted that this came from the rephrasing of original milestones and were assured that delivery against revised milestones was on track.
- 19.3 Members discussed how the Business Plan interacted with the Transformation Portfolio. It was noted that the Transformation Portfolio made up the majority of the Business Plan activities.

19.4 The Board **noted** the report.

20. Financial Position 2022-23 P4

20.1 The Board received a report from the Chief Operating Officer (COO).

20.2 Members discussed the current underspend on both Capital and Resources and noted that significant further expenditure on recruitment and the outsourcing of some casework would reduce the underspend.

20.3 Members noted that a pay settlement had already been agreed for the current year.

20.4 Members asked whether there was likely to be any difficulty filling the vacant Director of Resources post. The COO assured members that the post was attracting suitable candidates.

20.5 The Board **noted** the report and the current financial position.

The meeting ended at 15:30