

## **Approved Minutes of the Board Open Session meeting held on 22 June 2022 by video conference**

### **Chair:**

Rob Behrens CBE, Ombudsman

### **Non-Executive members:**

Sir Alex Allan KCB

Polly Curtis

Anne Davies

Linda Farrant

Dean Fathers

Balram Gidoomal CBE)

Mick King

Anu Singh

Amerdeep Somal

### **Executive Members:**

Amanda Amroliwala CBE, Chief Executive

Gill Kilpatrick, Chief Operating Officer

### **In attendance:**

Karl Banister, Director of Legal, Quality and Clinical

Rebecca Bishop (Interim Director, Human Resources)

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)

### **Apologies**

### **Observer**

Nelly Craven

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

- 1.1 Rob Behrens welcomed attendees to the meeting. In particular, he welcomed Polly Curtis and Anne Davies to their first meeting since their appointment to the Board as non-executive members

## **2. Declarations of Interest**

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

## **3. Minutes and Matters Arising**

- 3.1 The minutes of the open session on 23 March were approved as a true and accurate record.
- 3.2 The Board noted that all matters arising from previous meetings had been actioned or superseded and were complete.

## **4. Chief Executive's Report to the Board**

- 4.1 The Board received a report from the Chief Executive.
- 4.2 The Board welcomed the agreement of a pay settlement with the trades unions.
- 4.3 Members welcomed the recruitment update and the positive results from the relationship with the recruitment partner, Michael Page. The Board discussed the continuing difficulties in recruiting to specialist roles and the need to continue recruitment to replace staff lost through internal attrition.
- 4.4 The Board welcomed the significant reduction in the number of cases awaiting allocation.
- 4.5 Members noted the reference to the Messenger review of leadership in Health and Social Care and discussed PHSO's potential role in highlighting the focus away from a 'blame culture'.
- 4.6 The Board **noted** the report

**Sir Alex Allan took the Chair.**

## **5. Ombudsman's report and Strategic Update**

- 5.1 The Board received a report from the Ombudsman.
- 5.2 The Ombudsman drew the Board's attention to the excellent contributions made by PHSO staff to the Ombudsman's Association (OA) Conference earlier in the week. In particular, Ruth Gray (head of our Academy) had received the OA's Outstanding Achievement award.
- 5.3 The Board discussed the proposal by the Human Rights Select Committee to establish a Human Rights Ombudsman. Members expressed their support for the

Ombudsman's intention to provide evidence against the proposal at a forthcoming Committee hearing.

**Action: Governance team to circulate the Human Rights Select Committee report (when published).**

- 5.4 Members discussed the possibility of setting up partnerships for training and noted that PHSO had recently concluded that it was not possible to charge for the provision of training in Complaints Standards to external organisations.

**Action: Director of Legal, Quality and Clinical to clarify position on creation of subsidiary company to provide training and feed back to Board.**

- 5.5 The Board noted the report.

## **6. Transformation report**

- 6.1 The Chief Operating Officer presented a paper outlining proposals to engage with the Board throughout the development of the Transformation Portfolio (TP), including a series of workshops for individual Programmes, and regular quarterly reports to the Board.

- 6.2 Board Members raised the following points in discussion:

- The need to define success measures at an early stage.
- The governance arrangements for TP and whether reports should go to the Quality Committee for more detailed scrutiny before going to the Board. The Board noted that some aspects, e.g., the People and Culture Programme, did not fall within the remit of the Quality Committee.
- The likely impact of the TP on numbers of complaints and what could be done to ensure that numbers of premature complaints did not increase.
- the possibility of a future Board-level discussion of the TP and its governance arrangements.

- 6.3 The Board noted the report.

## **7. People Strategy**

- 7.1 The Board received a presentation from the Director of Human Resources.

- 7.2 Members welcomed the proposals for the People Strategy.

- 7.3 Members raised the following matters in discussion:

- The broad aims of the strategy and what it is aimed to achieve.
- The need to develop a series of metrics to determine the effectiveness and success of the strategy.
- The role to be played by our recruitment partner in delivery of the strategy, and their current contribution.

- The changes in organisational culture needed to underpin successful delivery.

7.4 The Board **noted** the presentation.

## **8. Strategic Risk Report**

8.1 The Board received a report from the Assistant Director of Transformation.

8.2 Members discussed current levels of risk and noted that Casework Demand and the Transformation Programme are both currently rated red.

8.3 Members raised the following matters in discussion:

- Following discussions at the May Audit and Risk Assurance Committee, the executive had agreed to further articulate the risks around the Transformation Programme.
- How and where risks in the external environment were assessed and identified. Members noted that several external risks were recorded on directorate risk registers but had not been escalated to the Strategic Risk Register.
- Whether funding risk was properly articulated given rising levels of inflation. The Director of Resources confirmed that this would be addressed in more detail in reports to the Board in September.

8.4 The Board agreed the current strategic risks and noted the actions being planned or undertaken to mitigate levels of risk.

## **9. Operations and Corporate Performance Report, March 2022**

9.1 The Board received a report from the Chief Operating Officer and the Director of Operations.

9.2 Members welcomed the increase in output productivity in the face of sustained rising demand and noted that the office had ended the business year in a strong position.

9.3 Members noted that the focus in closing cases over 18 months old would inevitably impact on the key performance indicator for cases over 12 months old.

9.4 Members raised the following matters in discussion:

- The current level of staff turnover and the possible reasons for this.
- The current red rating for service charter scores for 'Following an open and fair process' and 'Giving you a good service'. Members noted that the survey would be expanded to seek more qualitative information about the reasons for poor scores.

- How we manage relationships with complainants whose cases are currently held in the casework queue. Members will be given the opportunity to sit in with the Intake Team as part of an induction event in September.
- The extent to which rejected Information Rights cases were referred to the Information Tribunal.

9.5 The Board **noted** the report.

## **10. Business Plan and Equality Action Plan Update**

10.1 The Board received a report from the Assistant Director of Transformation.

10.2 Members raised the following matters in discussion:

- The 'Human Factors' approach to Investigation (Business Plan Obj. 3.4), what this entailed and is intended to achieve.
- The rationale for the guidance on sighting clinical advisors on provisional views.
- The need to ensure that the ICT strategy is sufficiently resourced.
- How Business Plan activities which fall within or overlap with Transformation Portfolio activities will be reported. The Board noted that such activities will be reported under the Transformation Portfolio.

10.3 Members suggested that it would be helpful for the Board to have a further opportunity to comment on the progress of the NHS Complaints Standard pilot.

**Action: Director of Strategy and Communications to arrange Board discussion on NHS Complaints Standard.**

10.4 The Board **noted** the update

## **11. Financial Monitoring Report 2022-23 as at the end of May 2022**

11.1 The Board received a report from the Director of Resources setting out the financial position for 2022-23 as at the end of May 2022.

11.2 The Director of Resources highlighted an 11% underspend on the resource budget at the end of May. This was primarily due to delays in recruitment and staff attrition. However, the risk of underspend will be mitigated by the proposal to extend the contract of our recruitment partner. The Board will be consulted, and a decision taken by correspondence.

11.3 In discussion the Board were assured that we are receiving the contracted service from the recruitment partner, and that the cost per candidate is significantly below what we would expect to pay elsewhere.

11.4 The Board **noted** the report.

## **12. Diversity Steering Group Update**

12.1 Anu Singh provided a verbal update from the Diversity Steering Group (DSG). She highlighted the following:

- the organisation was now very close to achieving the 30% target for the recruitment of candidates from Black, Asian and other minority ethnic groups.
- Data showed that a higher proportion of female staff were leaving the organisation. The DSG were seeking to understand the reasons for this.
- Staff participation in equality and diversity training was 2 hours per person annually, against a target of one day.
- Cultural audits had been paused temporarily. The COO explained that this was to integrate the audits into the People and Culture Programme.

12.2 Anu Singh informed the Board that our Equality and Diversity Specialist would be asking Board members to provide information about themselves for the World Day for Justice, and for a quotation about the work of PHSO. She encouraged members to contribute.

12.3 The Board **noted** the update.

## **13. Freedom to Speak Up Guardian - Annual Report to the Board 2021-22.**

13.1 The Board received a report from the Freedom to Speak Up Guardian (FTSUG), who also provided brief details of some of the contacts she had received during 2021-22.

13.2 Members noted the continued growth in contacts to the FTSUG and considered the factors that may have contributed to this, including consistency of approach and the willingness of senior leaders to engage with issues raised.

13.3 Members discussed why contacts with the FTSUG were proportionally lower from staff from Black, Asian and other minority ethnic groups.

13.4 Members noted that some contacts had been closed because the person concerned had left the organisation and asked whether this was an area of concern. It was noted that the reason for the contact was only a relevant factor for leaving in a minority of cases.

13.5 The Board **noted** the report.

## **14. Quality Committee Update**

14.1 Dean Fathers provided a strategic update of the Quality Committee meeting on 18 May 2022, and highlighted the following:

- Significant improvements in performance on several key quality metrics had been recorded during Q4.

- The Committee had commenced looking at trend analysis and different ways of analysing data.
- The Committee had considered the benefits expected from the Casework Programme.

14.2 The Board **noted** the update.

## **15. Audit and Risk Assurance Committee - Strategic Update**

15.1 Linda Farrant presented a strategic update of the Audit and Risk Assurance Committee Meeting on 11 May 2022, and highlighted the following:

- ARAC had discussed the Transformation Portfolio and had asked for the risks around the Portfolio to be articulated more clearly.
- ARAC had received a detailed end-of-year compliance report, providing assurance across a wide range of areas.
- ARAC will receive a compliance update on 6 Human Resource policies in September.

15.2 Linda Farrant informed the Board that an informal technical walkthrough of the draft resource accounts had taken place on 8 June 2022. No significant concerns had been identified.

15.3 The Board noted the update.

## **16. Board Effectiveness Review**

16.1 The Board received a paper from Rob Behrens and Deborah Rozansky.

16.2 Deborah Rozansky presented the key draft findings of her review of Board effectiveness. Members confirmed that these reflected the review discussions accurately.

16.3 Members provided the following further feedback:

- As we emerge from the pandemic there is a need for the Board to re-invent itself and in particular how it functions as a team.
- A Board priority should be ‘finding the balance’ between strategic discussions, operational matters and scrutiny.
- Members would appreciate input into key projects and programmes at the design stage. It was not always clear what Board input was required into projects, or when.
- The report was a good piece of work and was a useful tool as part of the Board induction process.

16.4 Members **noted** the report and the draft review findings.

## **17. Board and Committee Membership**

- 17.1 The Board received a paper from the Chief of Staff and **noted** the proposals for Committee membership.

## **18. Annual Report and Accounts 2020-21**

- 18.1 The Board received a paper from the Chief of Staff, including the latest draft of the Annual Report for 2021-22.

- 18.2 Members made the following comments and suggestions on the draft report:

- Would it be possible to include some information about the work of the FTSUG?
- There was nothing in the performance report about signposting to other organisations.
- Would it be possible to use different examples in the body of the performance report to those included in the Foreword?

**Action: Chief of Staff to amend draft annual report as appropriate.**

- 18.3 The Chief of Staff confirmed that production of the annual report and accounts remained on track.

- 18.4 The Board **noted** the draft annual report and the timeline for publication.

## **19. Any Other Business**

- 19.1 No items of other business were raised.

**The meeting ended at 15:30**