

## Approved Minutes of the Board Open Session meeting held on 1 October 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

### In attendance:

Karl Banister, Director of Legal Quality and Clinical

Maria Mansfeld, Chief of Staff

Warren Seddon, Director of Strategy and Communications

Andrew Medlock, Assistant Director, Strategy and Partnerships (item 11)

Paula Waite, Equality, Diversity and Inclusion Specialist (item 12)

Kate Eisenstein, Assistant Director, Insight and Public Affairs (item 13)

Andrew Dawson, Governance Officer (minutes)

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

4.1 Rob Behrens introduced the meeting and welcomed members and others attending.

#### **5. Declarations of Interest**

5.1 There were no declarations of interest.

#### **6. Minutes and Matters Arising**

6.1 The minutes of the Board meeting on 18 June 2020 were approved subject to the following amendments:

- 4.2 (2<sup>nd</sup> bullet) - Amend number of complaints received to 6.
- 7.1 (2<sup>nd</sup> bullet) - Amend to read 'The Committee had reviewed the presentation of assurance data....'
- 9.3 (1<sup>st</sup> bullet) - Delete all after 'circumstances'.
- 11.1 (1<sup>st</sup> bullet) - Amend to read 'The increase in demand during the first half of the year had been reflected in a rise in cases progressed through casework teams throughout the year.'
- 11.1 (4<sup>th</sup> bullet) Amend to read 'The number of cases allocated to caseworkers has increased. However...'
- 11.2 - Amend final sentence to read 'This was due to an increase in the complexity of subject access requests in challenging times'.
- 11.3 (first bullet) - Amend first sentence to read 'Trends in Service Charter scores on year and in Q4.'

6.2 The minutes of the Extraordinary Board meeting on 9 July 2020 were **approved** as a true record of the meeting.

6.3 The Board **noted** the updated table of actions and matters arising from previous meetings.

6.4 The Board discussed the content and format of Board and Committee minutes and agreed that the Governance Team should review the format and content to ensure in line with best practice governance arrangements.

#### **Action: Governance to review the format and content of Board and Committee minutes**

6.5 The Board **agreed** that draft minutes would in future be sent out in advance of Board meetings to enable members to submit comments and amendments before the meeting.

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

#### **7. Ombudsman's report to the Board**

7.1 The Ombudsman highlighted several key projects including the comparative research study - The Ombudsman, Coronavirus and Crisis Management, and the Complaints Standards Framework.

- 7.2 Board members discussed the following issues:
- PHSO's relationship with the new PACAC chair and the Cabinet Office.
  - The extent of consultation over the Patient Safety Commissioner role.
  - Increasing regionalisation of the National Health Service.

7.3 The Board **noted** the report.

### **Rob Behrens resumed the Chair**

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

8.1 The Board received a report from the Chief Executive, setting out updates on the impact of COVID-19 and plans to return to the office; Future Working Practices; the Comprehensive Spending Review; Data Security; and improving Diversity within PHSO.

8.2 Board discussion of the report included the following matters:

- The approach to ensuring all staff can work effectively during the pandemic.
- How to promote diversity in the workplace.
- Empathy and flexibility in communications with staff.
- Barriers faced by staff newly recruited during the pandemic.
- The volume of Parliamentary complaints.

8.3 The Board **noted** the report.

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

9.1 The Board received a paper updating them on the outcome of the public consultation and the key actions to finalise the strategy.

9.2 The strategy cannot be finalised until the outcome of the current Comprehensive Spending Review round is known. This is expected in November. An updated strategy, taking into account any further feedback received in the interim, will be presented to the December Board meeting.

9.3 The Board discussed issues raised by the response to the consultation, including the number of responses, the high level of support for the proposed strategy, and any areas where the responses provided alternative suggestions. Board members commented that success of the strategy should be measured by impacts rather than by outputs.

9.4 The Board **noted** the paper and the actions to finalise the strategy.

## **10. CSR Update**

10.1 The Board received a paper setting out PHSO's approach to the Comprehensive Spending Review submission to HM Treasury for Resource funding for 2021/22 to 2024/25 and Capital funding for 2021/22 to 2025/26.

10.2 The Chief Operating Officer provided a further update including the approach that will be taken should the CSR bid not be successful, or the Government's approach to the CSR changes.

10.3 The Board discussed options in the event that 2020/21 funding is rolled forward and the impact that this may have on the deliverability of the Strategy. They noted the need to balance ambitions with the demands of the current environment and that a further report will be brought to the December meeting.

10.4 The Board **noted** the report.

## **11. Complaint Standards Framework Consultation**

11.1 The Board received a report updating them on the results of the public consultation and setting out the next steps following the consultation.

11.2 The Board noted the impressive response to the consultation. Board discussion included:

- Whether some degree of legislative support would be required to fully implement the provisions of the Complaint Standards Framework (CSF).
- The relationship between the NHS Complaints Framework and the Government Complaints Framework, and how we could prevent a significant gap in approach and practice between the two sectors.
- The extent to which public bodies had engaged with both the CSF consultation and with the development of the CSF.
- The design of the proposed pilot projects and the need to include primary care, and the NHS trade unions.
- The existence of a team within the NHS that was experienced in rolling out similar pilot schemes.

11.3 The Board **noted** the report and the proposed next steps.

## **12. Improving our Diversity**

12.1 Dean Fathers (Board member of the PHSO Diversity Steering Group) gave a verbal update on the activities of the group. He commended to the Board the work of the Diversity Steering Group, supported by the Diversity Working group, in making significant progress. The support for and commitment to the group from the Ombudsman and Executive Team demonstrated the seriousness with which the organisation takes improving diversity

12.2 The Diversity and Inclusion Specialist gave a presentation on the recent Barriers to Inclusion focus groups.

12.3 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.

**Action: Diversity and Inclusion Specialist to share the summary paper of the Focus Groups' discussions with the Board.**

12.4 The Board **noted** the update and presentation.

### **13. Findings and recommendations from PACAC's scrutiny of PHSO's performance in 2018/19**

- 13.1 The Board received a paper updating them on the response to PACAC's scrutiny report and how the report's recommendations are being taken forward.
- 13.2 The Board considered the report and the implications of our responses to the 2018/19 scrutiny for the pending PACAC scrutiny of performance in 2019/20.
- 13.3 The Board discussed preparations for the 2019/20 scrutiny, including risks and opportunities.
- 13.4 The Board **noted** the report.

### **14. Quality Committee**

- 14.1 The Board received a summary report from the Quality Committee meeting on 19 September 2020.
- 14.2 The Committee Chair highlighted two strategic points from the report:
  - The impact of COVID-19 on casework quality.
  - The progress on the Qualitative Research Programme and proposals for future qualitative research work in alignment with the new strategy.
- 14.3 Board members commented that the Chair of the Quality Committee's feedback was excellent, but not supported by the summary report, recognising this was a new format.

**Action: Governance Team to review the format and content of the summary report to ensure it is effective in supporting Committee Chairs to provide assurance to the Board.**

- 14.4 The Board **noted** the strategic update.

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

- 15.1 The Board received a summary report from the ARAC meeting on 16 September 2020.
- 15.2 The Board welcomed the reported progress on the methodology for assessing Value for Money and the proposed VFM dashboard. They **agreed** that the Board would receive an update on VFM twice a year and the Chief Operating Officer to consider how the VFM dashboard could be integrated into performance reporting to the Board.
- 15.3 The Board recognised the importance that of the Committee summary reports being integrated within wider assurance to the Board.
- 15.4 The Board **noted** the summary report.
- 15.5 The Board **agreed to** receive updates on VFM twice a year, and the Chief Operating Officer to consider how the VFM dashboard will be integrated into performance reporting to the Board.

## **16. Financial Management Report**

16.1 The Board received a report setting out the forecast financial position at the end of July 2020 (P4).

16.2 The Board noted the report and the forecast financial position.

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

17.1 The Board received a report giving an overview of operational and corporate health performance up to July 2020 (P4), and an update on PHSO Insight reports.

17.2 The Board discussed the impact of COVID-19 on overall performance, casework awaiting allocation and Service Charter scores. They noted the actions being taken to manage these impacts.

17.3 Board members welcomed the introduction of an ‘anonymised’ recruitment system and the introduction of targeted recruitment. The impacts of these measures will be reported more fully to the Board in due course.

17.4 The Board noted the report.

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

18.1 The Board received an update report on the Business Plan and Equality Action Plan up to July 2020 (P4).

18.2 Board members noted that the status of the Clinical Advice Project was now amber and asked for more information about the alternative approach. The Ombudsman assured the Board that we are still committed to fully implementing this project.

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

19.1 The Board received a report for July 2020 (P4) setting out the analysis of current strategic risks and issues, the mitigations in place, and the position against risk tolerances.

19.2 Board members raised the following issues in discussion:

- Whether there were risks around PHSO ‘setting the agenda’ on matters of strategic significance and how these would be recorded and managed.
- How risks to PHSO’s reputation were identified and managed.

**Action: AD Business Management to consider in consultation with the Senior Leadership Team the potential risks arising from PHSO’s lead on matters of strategic importance and incorporate outcome into the monthly review of the risk register.**

19.3 Board members welcomed the inclusion of a strategic risk on the long-term impact of home working. They discussed the mental health support available for PHSO employees.

19.4 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.

### Elisabeth Davies took the chair

## **20. Board Effectiveness Review Action Plan**

20.1 The Board received a paper setting out the action plan to address the outcomes of the 2019/20 Board Effectiveness Review.

20.2 The Ombudsman introduced the action plan and set out the rationale for the proposed actions, which were aimed at addressing the feedback received from Board members during the review. He noted that the review had been a positive experience which had highlighted the Board's good relationship with the Executive.

20.3 The Board discussed the proposed Action Plan in detail. Issues raised in discussion included:

- The revised structure of the Board agenda.
- Ensuring that the approach to reporting back from Board Committees provided assurance to the Board.
- The format and content of Board and Committee minutes
- How individual Board members can use their skills and experience to contribute and add value to the organisation outside of Board meetings, and that this must be led by Board Members themselves.
- The need for Board members to continue to challenge each other as well as the Executive.
- The need for the action plan to be an iterative process, ensuring the objectives are kept under review, added to, and evaluated.

20.4 The Board **agreed** the Board Effectiveness Review Action Plan.

20.5 The Board **agreed** that minutes should focus on decisions and actions, and should record succinctly key points of discussion and challenge.

### Rob Behrens resumed the Chair

## **21. Any Other Business**

21.1 No items of AOB were raised.

## **22. Review of meeting**

22.1 Board members made the following points:

- Comments on Board meetings in the Governance Audit had been addressed.
- The discussion on Board Effectiveness had been very useful and well-managed, but should have taken place at the start of the meeting.
- The Board had managed the task of talking about difficult issues respectfully, by discussion rather than a series of disagreements.
- The Board and the organisation more generally had made significant progress and there was a sense of continuing optimism.

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

23.1 The date of the March Board meeting on the forward plan was incorrect. The correct date was confirmed as 24 March 2021. Subject to that correction, the forward plan was noted.

**Action: Governance team to issue a revised Forward Plan**

23.2 The next meeting is on 17 December 2020.

**The meeting ended at 16:00**