

Approved Minutes of the Board Open Session meeting held on 15 December 2021 by video conference

Chair:

Elisabeth Davies

(senior non-executive member)

Non-Executive members:

Sir Alex Allan KCB

Linda Farrant

Dean Fathers

Balram Gidoomal CBE

Carolyn Hirst

Mick King

Anu Singh

Amerdeep Somal

Executive Members:

Amanda Amroliwala CBE, Chief Executive

Gill Kilpatrick, Chief Operating Officer

Apologies

Rob Behrens CBE, the Ombudsman

Bipon Bhakri, Director of Resources

In attendance:

Karl Banister, Director of Legal, Quality and Clinical

Andy Gillies, Interim 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)

James Hand, Assistant Director Business Management

5. Chair's Introduction and Welcome

- 5.1 Elisabeth Davies chaired the meeting in the absence of Rob Behrens, who was unwell. She introduced the meeting and welcomed members and others attending. In particular she welcomed Andy Gillies to his first Board meeting.
- 5.2 The Chair noted that, following recent Government guidance to work from home where possible, the meeting was once again being held virtually. The Board thanked the Executive for responding quickly and decisively.

6. Declarations of Interest

- 6.1 There were no declarations of interest relevant to items on the agenda.
- 6.2 Dean Fathers informed the Board that he had recently joined the Board of a company called Axis Holdings, and several subsidiary companies, as a non-executive director. There was no conflict of interest with the work of PHSO.
- 6.3 The Chair informed the Board that Rob Behrens had been appointed as Chair of Governors of Anglia Ruskin University.
- 6.4 Both declarations will be added to the Register of Board Members' Interests.

7. Minutes and Matters Arising

- 7.1 The minutes of the Board meeting on 29 September were **accepted** as true records, subject to a correction in par 19.2 (complaints, not complainants).
- 7.2 The Board agreed that actions 22.7 (12/12/2019); 13.2 (17/12/2020) could now be closed and that action 19.2 (1/10/2020) had been superseded.
- 7.3 Abigail Howarth informed the Board that the demand management item scheduled for the January 2022 meeting was not intended to discharge the action at 18.4 (29/09/2021) but that she would cover the actions taken to mitigate increased demand in her introduction to the Operations and Corporate Health Performance Report.
- 7.4 The Board noted that the action at 19.2 (29/09/2021) had been omitted from the matters arising table. This will be added and taken forward.

8. Chief Executive's report to the Board

- 8.1 The Board received a report from Amanda Amroliwala.
- 8.2 Amanda Amroliwala also provided verbal feedback from the Public Administration and Constitutional Affairs Committee's oral evidence session on 14 December 2022, at which she and Rob Behrens gave evidence.
- 8.3 Board members asked about the impact of the recent government guidance to work from home in response to rising numbers of COVID-19 infections. It was confirmed that:

- Staff had been advised to work from home from 13 December 2021, but that there were exceptions allowed under the guidance, so the offices were still open.

8.4 The Board discussed the likely impact on productivity and casework arising from the COVID-19 restrictions and in the light of the continuing high levels of demand.

8.5 The Board discussed the actions being taken in response to the continued difficult recruitment market and welcomed the appointment of an Interim Director of Human Resources

8.6 Board members noted the introduction of an unacceptable behaviour policy and clarified that the policy extends to all external contacts, not just complainants.

8.7 The Board **noted** the report.

9. Ombudsman's report

9.1 In Rob Behren's absence the Board **noted** the Ombudsman's report. No issues were raised in discussion.

10. Corporate Strategy 2022-2025 and Comprehensive Spending Review (CSR) update

10.1 The Board received a paper from Amanda Amroliwala, Gill Kilpatrick and Rebecca Hilsenrath.

10.2 The Board noted that HM Treasury had confirmed the CSR submission had been approved in full.

10.3 Rebecca Hilsenrath outlined the workstreams required to implement the strategy. She informed the Board that the Interim Director (Resources) would be retained to support the business planning process.

10.4 Board members raised the following matters in discussion:

- The organisation should aim to recruit from as wide a base as possible.
- Whether it would be possible to offer potential recruits the opportunity to work from home on a permanent basis. It was noted that this was not in line with current arrangements, and that legislation prevented casework being carried out from outside the United Kingdom.
- The importance of including a 'service user voice' in future plans. Year 1 of the new strategy includes investment into research into good practice in this area.

10.5 The Board **noted** the report.

11. Staff survey feedback on diversity and disability

11.1 This item was deferred.

12. Quality Committee - Strategic Update

- 12.1 Dean Fathers presented a summary of the Quality Committee meeting on 24 November 2021.
- 12.2 The Board noted that the Clinical Advice Review was nearing completion and that this was impacting positively on Quality Score Measures. They discussed the implications for clinical advisors and caseworkers, and noted that the impact on complainants required further evaluation.
- 12.3 The Board discussed the development of Statistical Control Process methods, which will enable better use of data and more detailed reports.
- 12.4 The Board **noted** the update.

13. Audit and Risk Assurance Committee (ARAC) - Strategic Update

- 13.1 Linda Farrant provided a summary of the ARAC meeting on 17 November 2021. In particular she drew the Board's attention to the proposal to undertake an assurance review of recruitment and retention at the February 2022 meeting.
- 13.2 The Board discussed the ongoing progress of the Value for Money Framework, which ARAC will review annually from February 2022.
- 13.3 Dean Fathers informed the Board that the annual meeting between ARAC and Quality Committee Chairs had recently taken place.
- 13.4 The Board **noted** the update.

14. Review of the Finance Code and Scheme of Financial Delegation

- 14.1 Andy Gillies presented a paper proposing amendments to the Finance Code and Scheme of Financial Delegation, following review.
- 14.2 Linda Farrant confirmed that the proposed amendments had been considered by ARAC in November. ARAC had proposed improvements, which had been implemented, and had agreed to recommend the revised documents to the Board.
- 14.3 Board members discussed the changes to the Gifts and Hospitality processes in the Finance Code and the need to record offers of gifts /hospitality where these had not been accepted. This was in line with best practice and to prevent both fraud, or accusations of fraud.
- 14.4 The Board **approved** the revised Finance Code and the revised Scheme of Financial Delegation.

15. Review of the Governance Framework

- 15.1 Maria Mansfeld presented a paper proposing a small number of changes to the Governance Framework following review.
- 15.2 It was confirmed that the changes had been considered by ARAC, who had agreed to recommend it to the Board.

- 15.3 Board members queried why responsibility for appointment of non-executives had been changed from the Board to the Ombudsman (par 2.15.7.1). The Chief Executive advised that all decisions ultimately rest with the Ombudsman. However we needed to ensure that the Governance Framework properly reflects the consultative role of the Board in decision making.

Action: Chief of Staff to clarify the Ombudsman's role in the appointment of non-executive Board members.

- 15.4 The Board **approved** the revised Governance Framework, subject to the clarification of the Ombudsman's role in recruiting non-executive members.

16. The Ombudsman's Annual Report and Accounts - lessons learned from 2021 and timeline for 2021-22

- 16.1 Maria Mansfeld outlined the learning from the 2021 project and the approach for the 2021-22 Annual Report and Accounts.
- 16.2 In discussion, Board members suggested that as part of the learning from the annual reporting exercise, the organisation may wish to consider who is the report's primary audience.
- 16.3 The Board **noted** the paper and the proposed timeline for the 2021-22 annual report.

17. Business Plan and Equality Action Plan Update 2021-22 P7

- 17.1 Board members raised the following points in discussion:
- The significant part played by the Diversity Steering Group in the delivery of diversity objectives.
 - The focus during the PACAC scrutiny (par 8.2) on diversity issues, including 'digital deprivation'.
 - The strong focus on recruitment from a diverse ethnic background .
- 17.2 The Board **noted** the report.

18. Financial Monitoring Report 2021-22 P7

- 18.1 Board members noted that we had submitted a Supplementary Estimates bid in November for £300k (£100k capital; £200k resource) to mitigate the risk of overspend. The **Board** discussed the likelihood of overspending and noted there were significant areas of uncertainty, including recruitment. It was therefore essential to mitigate against the disproportionate risk arising from a small overspend whilst remaining flexible.
- 18.2 The Board **noted** the report.

19. Operations and Corporate Performance Report 2021-22 P7

- 19.1 Abigail Howarth informed the Board that demand remained on average 28% higher than pre-pandemic levels and was 10% higher than the level projected in

our CSR bid. She outlined the measures being taken or considered to manage the impact of the increase in demand. A more detailed report, including a review of the demand reduction measures agreed in February 2021, will be presented to the January meeting.

19.2 Board members raised the following matters in discussion:

- The level to which we were aiming to reduce the casework queue? Ideally we would be aiming for 'frictional' levels - i.e. the number of cases received in an average month.
- The impact of the current casework queue on the percentage of cases decided within 13, 26 and 52 weeks.
- The messaging we are giving to complainants about the casework queue and the likely time taken to conclude investigations.
- Whether and how improved metrics would create a link between service charter scores and value for money.
- Members noted the increase in the recruitment of candidates from an Asian, Black or Minority ethnic heritage and asked whether it was possible to receive recruitment data by grade.

Action: Recruitment data by grade to be considered at a future Diversity Steering Group meeting

19.3 Members noted that the queue of Information Rights requests had been completely eliminated. The Board congratulated the Information Rights team.

19.4 The Board **noted** the report.

20. Strategic Risk Report and Register

20.1 Rebecca Hilsenrath advised the Board that, whilst recruitment was a significant issue, this was reflected across the existing strategic risks rather than as a standalone risk.

20.2 Board members raised the following points in discussion:

- It was reassuring that all of the significant strategic risks had been discussed earlier in the meeting.
- The possibility of demand reducing as NHS organisations begin to use the Complaints Standards and refer complaints to PHSO at the right time.

20.3 The Board:

- **agreed the** strategic risks set out in the report.
- **noted** the actions taken to manage and mitigate the levels of risk.
- **Noted** the current corporate issues being managed.
- **Noted performance** against risk tolerance levels.

21. Other Business

- 21.1 Board members noted that it was James Hand's final attendance at Board. They thanked him for the significant contribution he had made to the operation of the Board and to the organisation.

22. Next meeting and Forward Plan

- 22.1 Members pointed out that the location of the January and March meetings in the Forward Plan differed from the Outlook invitations sent last year.

Action: Governance team to send out a clarification of the January and March meeting locations and to amend Outlook appointments where required.

The meeting ended at 15:10