

Board meeting minutes (Part 1)

10 March 2020

10:00 – 15:30

Venue: Thomas House, 84 Eccleston Square, London SW1V 1LP

Present	
Ian Dilks	Chair
Keith Edmonds	Non-Executive Director
Mike Pinkerton	Non-Executive Director
Charlotte Moar	Non-Executive Director
Nigel Trout	Non-Executive Director
Mike Durkin	Non-Executive Director (Associate Board Member)
Sam Everington	Non-Executive Director (Associate Board Member)
Helen Vernon	Chief Executive
Denise Chaffer	Director of Safety & Learning
Vicky Voller	Director of Advice & Appeals
Joanne Evans	Director of Finance & Corporate Planning
John Mead	Technical Claims Director (Associate Board Member)
In attendance	
Simon Hammond	Director of Claims Management
Ian Adams	Director of Membership and Stakeholder Engagement
Tinku Mitra	Head of Corporate & Information Governance
Julia Wellard	Executive Personal Assistant (Minutes)
Apologies	

1 Administrative matters

1.1 Chair's opening remarks and apologies

The Chair opened the meeting by welcoming everyone.

There were no apologies for absence but it was noted that Cheryl Lynch from the DHSC sponsor team was unable to attend.

1.2 Declaration of conflicts of interest of members

There were no conflicts of interest to note.

1.3 Minutes of Board Meeting held on 21st January 2020

Subject to a minor amendment, the minutes of the Board meeting held on Tuesday 21st January 2020 were APPROVED and a copy signed by the Chair.

1.4 Review of actions from Board meetings

The actions from the last Board meeting were noted and the closed actions removed.

The following actions were rolled forward:

- Ways of Working / office move - A session or detailed paper to be brought to Board for discussion. This is scheduled for July Board, after advisory audit and first phase of co-design. The Director of Advice and Appeals to find out if a Board meeting can be held at 10SC.
- Equality, Diversity and Inclusion (ED&I) - The Head of HR&OD to bring a paper on the breakdown of ED&I figures split between the London and Leeds offices. The ED&I split for London and Leeds will be included in the next HR Report in July 2020.

There following actions were closed.

- Gender Pay Gap - the GPG report which is to go on the NHS Resolution website to include under gender profile by pay band the total number of staff.

2 Operational items

2.1 Chief Executive's Report

Report of the Independent inquiry into the issues raised by Paterson

The report from the independent inquiry that was set up following the conviction of surgeon Ian Paterson was published on 4th February 2020. There are a number of recommendations from the report in order to protect patients and strengthen local governance arrangements of doctors which we support and will be working through to support those who need to take them forward.

It was noted that there are issues of clinicians referring NHS patients to themselves in a private capacity. It was noted that the conflict of interest register and the sharing of information on activity should be discussed further with the GMC.

Coronavirus

NHS Resolution has been actively preparing its business continuity plans to respond to Government's advice and guidance in respect of Coronavirus. Our HR policies and flexible working arrangements are being reviewed in conjunction with Government official guidance which is constantly being monitored for updates. This is having an impact on the NHS workforce and we are also preparing for the possibility that our own staff who are clinically trained may need to be redeployed. Redeployment of staff in DHSC has already taken place with the Director General of Finance at DHSC being appointed to second Permanent Secretary for the duration of the coronavirus situation.

Global Conference

Given the uncertainty surrounding Coronavirus and the disruption to travel, we have reached a decision to postpone the global conference which was planned for June this

year. The conference chair and keynote speakers have all be made aware of the position.

The Board noted the Chief Executive's Report.

2.2 Performance Review

The performance review detailing financial performance and key performance indicators for the period under review was presented. The data which supports the measurement of our performance in relation to claims management are commercially sensitive and disclosure could adversely impact our ability to manage claims effectively. Consequently, whilst claims activity is reported in Part 1, claims KPIs are reported and monitored in the Part 2 private Board session.

Finance Performance

The summary financial report to the end of January 2020 was presented. The Board noted the underspend position on all budgets including PIDR and GP indemnity scheme of £179m the reasons for which are under analysis. We are ensuring that compensation payments are being made in a timely way and being proactive in our approach to settlement.

Claims Performance

Claims volumes continue to increase with approximately 400 additional claims in CNST and 200 claims for LTPS compared to the prior year. The pattern is stable across the year of a 5%-6% increase and the position is likely to continue for the remainder of the financial year. Further work is ongoing to identify where the increase is coming from.

Practitioner Performance Advice Performance

An update on the advice requested by sector and professional group from April to January 2020, current live activity for the assessment and intervention services and Healthcare Professional Alert Notices (HPANs) was presented.

The number of working days taken to respond to requests for advice has reduced significantly following changes made to the process. The number of requests for advice continues to fluctuate and at the end of last month the number of requests was down by 14% and discussions are continuing with customers to understand the factors behind this. It was queried whether we need to do more to engage and whether we could reach customers in more varied ways e.g. podcasts.

Primary Care Appeals

All KPIs for the reporting period have been fully met save for the average number of weeks taken to resolve appeals and disputes (oral hearing) which was missed due to an NHS England failure to supply paperwork, a party to the appeal not receiving an invitation to the hearing and unavailability of parties to attend the hearing.

Safety and Learning

All KPIs have been fully met.

Early Notification Performance

The Early Notification (EN) KPIs with a learning focus are currently in shadow form.

The Board noted the performance report for the Finance, Claims, Practitioner Performance Advice, Safety and Learning, Early Notification Performance and Primary Care Appeals functions.

3 Management proposals requiring Board input or approval

3.1 There were no items to consider.

4 Liaison with Key Stakeholders

4.1 Communications and Stakeholder Engagement Report

An update on recent communications and stakeholder engagement was presented detailing key activity relating to proactive/reactive media management, issues management, digital communications, stakeholder engagement and events across NHS Resolution.

Key points were:

- There has been a number of media enquiries particularly relating to the Maternity Incentive Scheme and detailed information is being made available on our website.
- We have undertaken a number of podcasts as well as produced a number of videos.
- We have developed a new Claims Management membership charter that describes how our staff and members should interact, and what each parties' obligations are under our scheme rules. This aims to streamline our claims management process and reduce uncertainty that can lead to complaints and discontent.

The Board noted the Communications and Stakeholder Engagement Report.

5 Key Developments

5.1 Case Update

Two cases of note were reported on as follows;

- *Thimmaya v Lancashire Teaching Hospitals NHS Foundation Trust and Mr J (Manchester County Court 30 January 2020 – Judge Evans)* - This is the first time that an expert witness in a clinical negligence case has been ordered to pay the costs of the defendant and this ruling demonstrates that NHS Resolution will take novel steps, if required, to attempt to recover NHS money.
- *ABC v St George's University Hospital NHSFT, SW London & St George's Mental Health NHST and Another (High Court, 28 February 2020 – Yip J.)* – This was a sad case which shows how the courts will approach weighing up the balance of patient confidentiality and the rights of others to know that they have inherited a disease. The judgment confirmed that the Trust went through an appropriate process in making a decision. This case also shows the importance of trusts having Ethics Committees in place. It was considered that we could contact the Trust to

provide a commentary on this case highlighting the broader ethical issues which would be interesting for other trusts to note.

Action: TCD

The Board noted the case report.

6 Oversight of Key Projects

6.1 There were no issues to report.

7 Board Committee Reports and Minutes

7.1 Audit and Risk Committee Minutes – 16th October 2019

The Board noted the Audit and Risk Committee minutes of the meeting held on 16th October 2019.

7.2 Audit and Risk Committee Terms of Reference

The Audit and Risk Committee Terms of Reference were reviewed at its meeting on 12th February 2020 and changes were predominantly around clarity of wording and alignment to the updated DHSC Framework Agreement and reflected the HMT Audit and Risk Committee Handbook.

The Board approved the Audit and Risk Committee Terms of Reference.

8 Other matters requiring Board attention

8.1 Standing Orders

The Standing Orders form part of the Governance Framework for NHS Resolution and have been reviewed in line with the current draft NHS Resolution and DHSC Framework Agreement and include one amendment to include the CNSGP. The Standing Orders are aligned with other ALBs.

The Board approved the Standing Orders.

9 Any Other Business

9.1 Board Effectiveness Review

An overview was provided of progress and actions since the Board Effectiveness Review report was approved by the Board in May 2019 together with proposals to the approach for an Effectiveness Review for 2019/20.

Good progress has been made to the five domains with a few postponed to be considered when the new Chair is in post later in 2020/21 which will be taken forward by the Governance team.

The Board noted progress on the 2018/19 Board Effectiveness Review and supported the proposals for the 2019/20 review.

10 Date and Venue for next meeting

- 10.1 The next Board meeting is scheduled for Tuesday 12th May 2020 at 10.00am, at Thomas House, 84 Eccleston Square, London SW1V 1LP.

Signed

Date