

Board meeting minutes (Part 1)

13 July 2021

10:00 – 15:30

MS Teams meeting

Present	
Martin Thomas	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 and 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
David Gurusinghe	Deputy Director, Policy, Strategy and Transformation
Julia Wellard	Executive Personal Assistant (Minutes)
Apologies	

1 Administrative matters

1.1 Chair's opening remarks and apologies

The Chair welcomed everyone to the meeting.

The Board recognises that staff are continuing to operate under difficult circumstances as a result of the pandemic and that there is little bandwidth for change or do new things, although the Senior Management Team continue to respond to requests for support from DHSC.

1.2 Declaration of conflicts of interest of members

There were no conflicts of interest not previously noted.

1.3 Minutes of Board Meeting held on 18th May 2021

Subject to a minor amendment, the minutes of the Board meeting held on Tuesday 18th May 2021 were approved for signature by the Chair.

1.4 Review of actions from Board meetings

There were no actions to roll forward.

The following actions have been closed and will be removed from the action log:

- Policy review - Head of Corporate and Information Governance undertake a review of the policies to identify if all the policies are still required and how often they should be reviewed. The Head of Corporate and Information Governance has reviewed the policies with the Chair which are delegated to the Board for approval and there does not appear to be any policies that can be rationalised. We are reviewing with RSM on recommendations on policy reviews as part of the actions from internal audit.
- Policy review - Head of Corporate and Information Governance to ensure that the wording in CG13 reflects that the equality and diversity dimension should always be considered. This has been amended.

2 Operational items

2.1 Chief Executive's Report

Appointment of Academic Partner

NHS Resolution has entered into a new academic partnership with London South Bank University and Staffordshire University to provide support in the preparation of thematic reviews and reports, support in the development of an online platform to widen access to our resources, provide expertise in influencing behavioural change to embed safer practice processes, and monitor and evaluate the impact of our interventions. The contract is with the Universities which were selected through a procurement process and there are key leads from both organisations. A meeting will be set up with the academic partners and the Chair in order to feed into the evaluation of the impact of our interventions.

Action: DoS&L

Annual Report and Accounts 2020/21

The Annual Report and Accounts for 2020/21 have now been certified and they are expected to be laid in the next week.

Health and Social Care Committee inquiries on maternity services in England

The Health and Social Care Committee published its inquiry reports on 6 July 2021: The Safety of Maternity Services in England – Select Committee Report; and Evaluation of the Government's progress against its policy commitments in the area of maternity services in England.

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 support 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

The end of June position on DEL expenditure budgets has moved from an overspend position of £19.8m to an underspend of £11m, excluding GPI. It is too early to understand the position on budget in terms of where we will land at year end.

Year to date capital spend is £37k against a budget position of £560k. Further work will be taken forward around capital and admin budgets and the Finance Business Partners will be undertaking a detailed forecasting exercise with budget managers during July to go through budgets in more detail.

Claims

Claim numbers appear to be recovering as we begin to come out of the effects of the pandemic. It was suggested that it would be valuable if the chart showing the month-on-month volatility of new claims received in the last fourteen full financial years, excluding CNSGP, could be standardised against clinical activity for future charts which would also need to take into account the time lag.

Action: DoCM

Practitioner Performance Advice

It was noted that the demand for case advice work has remained consistently high in the reporting period with a 91% increase in the number of new requests received from April to May 2021 compared with the same period in 2020 which is due to the effects of the pandemic.

External Impact

Safety and Learning

The Safety and Learning team are working with the Membership and Stakeholder Engagement team to plan the publication of a number of reports which have been held up due to the pandemic and the need for clinical input. The reports will be published in a timely way to ensure the data does not go out of date and that they deliver maximum impact.

EN scheme

The standard operating procedure is currently in development to strengthen the internal governance for identification of concerns. This is an internal process which is being formalised and is only a part of the process for identifying concerns. NHSE&I have taken forward the national maternity surveillance group, established by NHS Resolution which ensures that concerns are identified across the whole system and we are working collectively with ALBs to ensure there is no duplication. The use of case studies has been changed to be CPD accredited so that those reading them have to agree what they will change in practice after reviewing them. Following the

introduction of the MIS, there is now significant reach within the maternity arena with far more reaching audiences including midwives.

In addition, the Advice team has undertaken a review of the information it holds on cases which have been reported to us to identify if there are similar trends to those highlighted in the Royal College of Surgeons report *An independent review on diversity and inclusion for the Royal College of Surgeons of England*.

It was considered that it would be helpful to understand who is reading the publications and case stories which are available and whether people act on them. We are also a member of the NHSE&I Insights group which pulls together recommendations from a number of reports and we are working together to ensure that we do not overwhelm organisations and do not duplicate.

There are a number of events which the Senior Management Team attend as speakers and it was questioned whether we are being invited to the right events. It was noted that we receive numerous invitations to speak at events and we continually review where we consider we would have the maximum impact. This also occurs at a local level and we are working with local trusts in groups. The claims scorecards are a powerful resource and we need to link them with the commissioners. The recent joint guidance with GIRFT has seen a lot of traction and engagement. Our GP lead is working locally across GP groups.

Membership and Stakeholder Engagement (MSE)

In relation to engagement on the NHS Resolution Strategy 2022-25, NEDs were invited to participate in select meetings as appropriate and should indicate their willingness/availability to participate to the Director of Membership and Stakeholder Engagement.

Action: NEDs

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

2.3 HR Report

Michael Humphris, Head of HR&OD, joined the meeting to present the HR&OD report which provides information on the organisation's key workforce indicators, equalities characteristics and the HR&OD activities for the period June 2020 to May 2021.

Two updates were provided to the report:

- Mandatory and Statutory Training – MAST compliance has increased across four of the training courses to 99% compliance. Fraud and Bribery Awareness and Manual Handling courses are at 100% compliance.
- Annual Appraisal Process – the current completion rate is 50% with completed paperwork at 34% and climbing.

There has been an unprecedented impact within the HR&OD team which has seen a high level of both planned and unplanned absence resulting in a reduction of resources available to support the organisation in providing some business as usual activities to the usual standards. The Director of Finance has been working closely with the Head of HR&OD to support the team through this difficult time and work is beginning to return

to normal. The recruitment process for HR&OD services has concluded and the team now have a full complement of staff. The Board were pleased to note that the team were getting back up to speed.

It was noted that there are no common themes across reported grievance cases but there are slight differences in how they have been managed. We are aware from the staff survey that there are some concerns about the recruitment process and we are putting measures in place, levelling the playing field and making vacancies accessible to all people. The grievances have not resulted in full grievances.

There was reference to whether NHS Resolution staff are affected by alerts to self-isolate as this was evidenced in the NHS more widely. The organisation continues to work remotely meaning if staff have to isolate, the impact is minimal because we can operate remotely. Staff are not being tracked centrally whether they have received their vaccinations which is more for public facing services. We are not seeing a major peak in terms of absence rates as an organisation and we are following a similar pattern to previous years and remain below the national average. We track our absence rates against other ALBs rather than trust organisations.

It was noted that there had been a significant improvement in recruitment across the organisation, however there are areas where we struggle to recruit in particular to the BI and data analytics type posts where specific skills and expertise are hard to come by. Work is being taken forward on a targeted approach for that area, including developing a microsite where we direct people to so they can understand more about the organisation and our Data, Digital and Technology service.

Virtual onboarding of staff has been challenging but this will become easier with our planned return to the office which is being phased with a full return to the office scheduled for 2nd October. The head of smarter working at DHSC is a user representative on the WoW programme board and has commented that as an ALB we are in the front running on hybrid working. Over the past 18 months we have adapted and continued with our induction programme. We have also created WhatsApp groups for people who are all joining at the same time so they have something in common to discuss and provided a buddying system where new staff are buddied with a team member who has been in post a while and both of these interventions have been working well.

It was suggested that it would be helpful to have performance information included in the HR&OD report particularly given the discussion at the last RemCo around how proactive we are in managing performance. It would be helpful to see more information about how new staff are doing on probation, how many people are rated as not being satisfactory at appraisal and generally the performance of each function. This information is discussed at the Workforce Strategy Group (WSG) and this can be included in the report. Performance ratings have not been included in appraisals this year given the impact of the pandemic on the ability of staff to meet their objectives. However, it was noted that staff have worked hard in juggling work, home schooling, and caring for dependant relatives whilst working remotely. It would also be informative to track the performance of our turnover i.e. whether those people that are exiting the organisation are high performers or those requiring development.

The Board noted the HR and OD report.

2.4 People Committee

A proposal was presented to implement a new People Committee as a sub-committee of the Board to provide oversight and assurance of NHS Resolution's people and organisational development strategies and associated workstreams. The aim of the Committee is to provide an appropriate dedicated forum and give more time to discuss people related activities.

Board members were supportive of the proposal, however it was suggested that papers be made available to those Board members who will not be members of the committee so that they may have oversight of what is being discussed.

The Chair of the Board will have a standing invitation to attend committee meetings.

It was considered that the People Committee should guide the Board on how it should respond to and relate to staff networks such as the Staff Engagement Group (SEG), Joint Negotiation Committee (JNC) and Diversity Matters Staff Network.

We will need to ensure we have the resources available to provide administration for the Committee given the resource issues raised earlier in relation to HR&OD which falls under the Finance and Corporate planning directorate.

The terms of reference will be changed to include that NEDs and Associate NEDs can be members of the Committee. The Committee will be chaired by a non-Associate NED.

The Board approved the implementation of a People Committee as a sub-committee of the Board and that the papers and materials will be made available to all Board members. The Chair will discuss with Board members who will be members of the Committee and come back to Board with the proposed membership for approval.

Action: Chair

3 Management proposals requiring Board input or approval

2.4 Hospitality and Gifts Register

The Hospitality and Gifts register is published annually. The Board noted that no hospitality or gifts have been registered over the past year which is attributable to the impact of the pandemic.

3.2 Diversity Matters Network

April Modestou (Communications and Engagement Executive) and Aneisha Munro (Digital Communications Officer), Co-chairs of the Diversity Matters Staff Network, attended to provide an update on the Diversity Matters Network including the purpose of the Network, why it was created and the Network's activities to date.

The Chair commented that he had recently joined the established NHS ALB NED EDI forum pro-tem which is representative of the NED members from Boards across each ALB in the NHS. We have an organisational and professional overlay to address ethnic diversity issues in the NHS.

The Diversity Matters Staff Network is a forum where difficult but necessary conversations can be had. The Network has grown to 108 colleagues including allies. The terms of reference outline the overarching aims of the Network which are to provide a safe space for the Black Asian and Minority Ethnic (BAME) community at NHS Resolution as well as providing visibility of role models to assist the organisation in improving its results against the nine WRES indicators and also to ensure policies and procedures are reflective of the workforce. The Network was named by staff across the organisation. As some staff were averse to using the term 'BAME' after discussion it was decided to call the Network the Diversity Matters Staff Network.

To date there has been a lot of work in highlighting the role models we have in the organisation through the Network which has been through our 'Be Inspired ...' series as well as in suggesting and supporting improvements to policies and procedures.

For example, the Network has been working with HR&OD to finalise the changes which are being made to the Annual Leave policy to include a suggestion from the Network to have a public holiday swap scheme which will actively support the organisation's ED&I strategy and demonstrates NHS Resolution's commitment to supporting its people.

Over the next 12 months the Network will be focussing specifically on recruitment of BAME staff within the organisation which is included in the organisation's ED&I strategy. The HR&OD function will be undertaking active monitoring of the outcomes of recruitment processes to ensure that the organisation is reflective of the BAME community. The Board fully agrees with NHS Resolution's ED&I agenda.

The Network has had a lot of support since its launch both internally and externally including meeting with other ALBs and a visit to the Kent and Medway Social Care and Partnership trust BAME Committee and Network to understand how their Network is successful. Staff have been extremely supportive and have come up with ideas for items to be discussed as well as volunteers to speak at Network meetings in relation to the 'Be Inspired...' series.

Going forward, the Network wants to define the allies role and what it means for the Network. Allies work as a two way process offering mutual support i.e. learning process and providing mentoring. It was suggested that the Board could explore looking at reverse mentoring. The Director of Finance is the Board champion for ED&I and supports the staff Network and sees the role as a learning opportunity as well as having the opportunity to proactively support staff in the organisation. There are dedicated staff in the HR&OD team working on ED&I matters.

Board members were asked if they would like to share any of their trust background, or advice or feedback with the Network to contact April and Aneisha.

Action: NEDs

April and Aneisha were thanked for presenting the Diversity Matters Network activities to the Board.

4 Liaison with Key Stakeholders

4.1 There were no items to consider.

5 Key Developments

5.1 Case Report

The Board noted the following two cases of note:
Khan v. Meadows (Supreme Court, 18 June 2021)
King v. Royal United Hospitals Bath NHS Foundation Trust (High Court, 16 June 2021)

6 Oversight of Key Projects

6.1 There were no items to consider.

7 Board Committee Reports and Minutes

7.1 *ARC minutes of meeting held on 11th May 2021*

The minutes of the ARC meeting held on 11th May 2021 were noted by the Board.

A further meeting of the ARC was held on 16th June 2021 which recommended the Annual Report and Accounts 2020/21 to the Board.

8 Other matters requiring Board attention

There were no items to consider.

9 Any Other Business

9.1 There was no other business.

10 Date and Venue for next meeting

10.1 The next Board meeting is scheduled for Wednesday 15th September 2021 at 10.00am, at 10SC, Canary Wharf, London – Room TBC

Signed

Date