

Meeting title:	Jersey Care Commission	
Meeting date & time:	Wednesday 04 September 2019 9:25 – 14:20 pm	
Meeting location:	The Safeguarding Partnership Board (SPB) Training Room, 23 Hill Street	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Alison Allam (AAI) Lisa Jacobs (LJ)	Commissioner Commissioner
Attendees:	Audrey Murphy (AM) Bradley Chambers (BC) Mandy Bates (MB)	Chief Inspector (CI) Head of Governance, Policy and Standards (HGPS) Meeting Minute Taker
Apologies:	Apologies were received from Ann Abraham and Siân Walker	

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Minutes of the meeting held on 03 July 2019 3. Minute Summary of July minutes 4. Chair's Report September 2019 5. January to August 2019 statistics 6. Draft Escalation, Enforcement and Review Policy 7. Draft Operational Risk Register 8. Draft amended Complaints Policy 9. Memorandum of Understanding (MOU) with Safeguarding Partnership Boards (SPB) 10. Budget figures 11. Strategic Risk Register 12. Jersey Public Service Ombudsman consultation document 13. One Government Reorganisation Consultation for the Department for Strategic Policy, Performance and Population 14. Forward Look Agenda Items
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PART A – PUBLIC SESSION

1. Welcome Introduction and Declarations of Interest.	
<p>The Chair opened the meeting, welcomed everyone particularly the Chief Inspector (CI), who began work this week, and thanked the Head of Governance, Policy and Standards (HGPS) for his efforts stepping up to manage the team for the 9 weeks since Christine Blackwood (CB), the previous manager had left.</p> <p>The Chair asked whether there were any declarations of interest with the Agenda – none were raised.</p>	

2.	Minutes of last meeting, Matters Arising and review of Actions	
	<p>The minutes of the meeting of 03 July 2019 (document 2) were agreed as an accurate record, with the following amendments:</p> <ul style="list-style-type: none"> • Item 1: the penultimate word is changed to ‘were’. • Item 4: the wording ‘comes to an end at the end of August’ in the third bullet point is changed to: ‘continues on an indefinite basis, confirmation will be sought’. • Item 5: the word ‘inductions’ is changed to ‘induction’ in the tenth bullet point. <p>LJ proposed acceptance of the amended minutes, which was seconded by AAI. The amended minutes to be circulated.</p> <p>The summary minutes (document 3) were agreed by the Board.</p> <p>Review of Actions:</p> <ul style="list-style-type: none"> • Action P2 is scheduled for January 2020. • Action P4 is complete and can be removed. <p>Matters Arising:</p> <ul style="list-style-type: none"> • Action P1: the Board agreed that it was important that a policy around how we conduct inspections, and a policy around how we deal with complaints about a regulated service were prioritised, and drafts will be ready for review at the November Board. • It was agreed in the last meeting that the HGPS would create a Communication Development Strategy, so a new action P4 has been added. • The HGPS advised the meeting that the feedback to the Report to Strategic Policy, Performance and Population (SPPP) on the first six months of operation had been well received and was being used as the model for other arms-length organisations (ALOs). 	<p>MB</p> <p>BC</p> <p>BC</p>
3.	Chair’s Report	
	<p>The Chair briefly covered the items detailed in his report (document 4), and advised that:</p> <ul style="list-style-type: none"> • Frances Oldham’s report on the progress made by Children’s Services since the Care Inquiry has not yet been published, but the report will be made public on 23 September. The CI, the HGPS and Geoff Gurney, Regulation Officer, will attend, and the Chair invited Commissioners to consider attending as well. MB will send out details of where and when the session will be held • time will be available in the forthcoming workshop on 9 October for a discussion of any significant mention of the JCC in the report • the Chair, the CI, and the HGPS met with Sam Mézec, Minister for Children and Housing on 3 September, who was fully supportive of the planned follow-up inspection of Children’s Social Work Services • the Chair, the CI, and the HGPS attended a quarterly governance meeting with Rachel Williams (RW) and Tom Walker (TW) on 3 September, which went well • the Chair and the CI met with Jim Hopley (JH), Chair of the Jersey Cheshire Home Foundation and Honorary Chair of the Jersey Disability Partnership 	<p>MB</p>

	<p>Board. JH is positive about regulation, and very willing to assist the Commission by facilitating links with the third sector. JH raised concerns about the information being requested from providers in our application process, specifically regarding the request for a medical fitness assessment for Trustees, which the HGPS advised has also proved controversial with other providers. JH explained that providers have recently been required to provide the same information to the Charities Commissioner, and whilst that is largely unavoidable, he expressed appreciation that the Board had agreed to remove the requirement for a medical fitness assessment from our application process, so the HGPS will arrange to change the forms</p> <ul style="list-style-type: none"> • the Chair wished to remark on his appreciation of the office staff during a busy time dealing with inquiries concerning the requirements for registration under the Regulation of Care Law (RoCL), particularly whilst there are staff vacancies, and staff changes. 	BC
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4.	Chief Inspector (CI) Update	
	<ul style="list-style-type: none"> • The CI expressed her pleasure at finally being in post, and her gratitude to the HGPS for his work supporting the team until she commenced work. • The CI advised that, now in post, she is gathering knowledge, experience and building contacts, which are leading to her reviewing her priorities as follows: <ul style="list-style-type: none"> ○ ensuring the planned inspection and registration work is completed by the end of December ○ having a long-term vision of engagement, using the website, social media, and contact with the public ○ making necessary changes at an achievable pace. 	

5.	Head of Governance, Policy and Standards (HGPS) update	
	<p>New provider registration applications:</p> <ul style="list-style-type: none"> • There has been an assurance that the one remaining service which had not yet submitted the application paperwork under the RoCL will do so this week. • There are a significant number of services which have not completed the registration process, and the Chair and CI have been updated. The HGPS is confident that the consequent risks are controlled and can be mitigated. • The January to August 2019 statistics (document 5) were distributed and discussed. <p>Recruitment:</p> <ul style="list-style-type: none"> • A seconded staff member is undertaking work for his seconding department, which is impacting on his availability for the Commission. • Work preparing for recruitment for a substantive post has begun, but we are unlikely to have someone in role during 2019. • Interviews for the part time vacant post are scheduled for 6 September. • The HGPS explained that two roles for which we are currently receiving temporary funding will need to be funded on a recurring basis by the JCC from 2020. <p>Escalation, Enforcement and Review Policy:</p>	

The HGPS presented the draft Escalation, Enforcement and Review Policy (document 6), which was welcomed as a clear understandable first draft, with a stepped approach to enforcement. The Board agreed that it would be worth using flow charts and summaries to shorten the document, and to separate the policy from the procedures.

It was agreed that:

- section 2 on page 6 would be amended to define the meanings of 'minor', 'moderate' and 'major', and ensure that each section was of the same length and weight
- several terms are used to name different 'plans' which should be carefully checked to identify if they are referring to the same thing
- in section 3.2.8 an explanation should be provided of what will happen once a representation is received, namely, that it will be reviewed by a subcommittee of the Commission.
- The policy and procedures would be further developed to take account of Organisation for Economic Co-operation and Development (OECD) regulatory policy principles.

Although the current document is incomplete, and the Board wishes to consult with the sector before a final version of the policy is agreed, the Board agreed that the current document could be used as a working draft alongside advice provided by the Law Officer's department.

Operational Risk Register:

The HGPS presented an operational risk register (document 7) and advised that the main risks he is aware of are: risks associated with staffing capacity; risk of impact of low public profile and need to raise the profile; risks associated with limited policy and also limitations inherent within the legislation.

The Board approved the document subject to the following amendments:

- Domain 1 is renumbered as there is no risk 1.4
- Domain 2 is renamed 'Public Engagement and Involvement'
- The first control for risk 2.1 is amended to read 'To develop an inspection plan to ensure all services receive inspection in 2019.'
- A third control for risk 2.3 is: 'Need to raise the profile through planned engagement events.'
- Risk 3.2 may belong in domain 4
- Add to the controls of risk 4.1:
 - Memorandum of Understanding (MOUs) are developed with relevant bodies
 - Regular scheduled meetings with various relevant organisations
 - Representatives invited to meet the Commission on occasion
- Risks 5.1 and 5.2 can be removed
- The following be added to the control for risk 5.3 (now risk 5.1)
 - The Board meets regularly to provide governance oversight
 - A Memorandum of Understanding (MOU) is in place with the Government of Jersey (GoJ)
 - Regular meetings are held with representatives of SPPP

- Regular reports are made of the Commission’s progress
- A new risk 5.2 to be added:
 - The risk is that we cannot maintain the current workforce of 4.5 Regulation Officers
 - The control is that two full time Regulation Officer posts are not funded on a recurrent process, we must confirm the revenue streams to fund the posts.

The Board requested that the CI and HGPS maintain the operational risk register and that it be brought to the Board annually.

**AM
BC**

Young Care Experienced Inspectors Project:

The HGPS advised that Scotland have confirmed that they cannot provide indemnity insurance for the Young Inspectors, but Matthew Berry (MBe) of the Law Officers department advises that the Government of Jersey (GoJ) insurance cover might cover this activity, and that the Youth Service may have organised a similar scheme, so further investigation is required.

Whilst the Commission remains open to involving young people from Scotland in the inspection process in Jersey, aspects of the process, such as having an indemnity in place for those coming over to the Island need to be resolved. The Board wishes that Commission staff use the opportunity to gather information, in particular in respect of the training of the Young Inspectors, and how confidentiality can be protected, and also to ensure before the arrangements are made that young people in care are aware of and willing to engage in this, or in any other ways.

BC

Complaints Policy:

The HGPS presented the policy (document 8) and advised that it has been amended to include complaints about the various officers of the JCC and the Board members, including the Chair. The Board agreed the Complaints policy with the following amendments:

- Item 7, Remedy and item 8, Public Services Ombudsman should be in that order, but placed after current item 11, Complaints in respect of the Chair of the Care Commission or other Commissioners.
- Item 12, the description of the seven Nolan Principles should be moved to an Appendix

Memorandum of Understanding (MOU) with the Safeguarding Partnership Boards (SPB):

The HGPS presented the MOU (document 9) which was agreed by the Board with the following amendment:

- Item 9 change to the CI being the point of contact for the JCC rather than The Chair.

The CI was asked to contact the new Chair of the SPB to progress.

AM

Regarding other MOUs that are planned, the HGPS advised that he has met with the Adult Safeguarding Team (AST) and with the Data Protection Officer for the GoJ, who is planning an MOU to cover the whole of Health and Community Services (H&CS) (including AST) which could save work preparing individual MOUs, though

	<p>such a broad document would need very careful scrutiny. A draft MOU with the Office of the Children’s Commissioner (OCC) has been drafted and another for the OCC was provided by SPPP, so they need reviewing and possibly amalgamating by the CI. Going forward, MOU’s will need to be agreed with: The Nursing and Midwifery Council, The Health and Care Professions Council (HCPC), The General Medical Council, The General Dental Council, the Chief Nurse and in due course, the Chief Social Worker of H&CS.</p>	<p>AM BC</p>
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6.	Budget	
	<p>The Chair advised that Luisa Rodrigues (LR), Financial Accountant, had prepared figures (document 10) that she had discussed with the HGPS. LR was unable to attend a meeting scheduled for 03 September to provide an update to the CI and Chair.</p> <p>LR had reviewed the financial position with the HGPS in early August with regard to personal costs and expected fees due in 2019 and was now forecasting a surplus at the year end. The CI will meet LR this month.</p> <p>The Board discussed the uncertainty of current income, against the expectation that the team would be expected to take on additional work in the near future. The Board proposed that guidance on priorities be sought from Ruth Johnson, Policy Officer for SPPP.</p>	<p>AM AM</p>

7.	Review of Strategic Risk Register	
	<p>The strategic risk register (document 11) was considered by the Board and the following amendments were made:</p> <ul style="list-style-type: none"> • Risk 1.2 add to the control: The HGPS took up post in the beginning of July. The CI took up post in the beginning of September. • Risk 1.5 can be removed, as the RoCL is in place. • Risk 1.9 amend the control to: need a develop a range of MOUs with Jersey based and other UK regulatory authorities. • A new risk to be added for objective 1 ‘Risk of unforeseen constraints within the RoCL which could have the potential to impact on the Commission’s powers to fulfil its functions • Risk 2.1 add to the control: use of website; engagement through consultation events. • Remove the dates from Table 3. 	

8.	Papers for Noting from Egress	
	<p>The HGPS provided an overview of the Jersey Public Services Ombudsman’s consultation document (document 12), advising that the JCC is in scope of the services the Ombudsman would propose to cover.</p> <p>Ann Abraham (AAb) is attending the public session on 9 September 2019, and her expertise will be of assistance. The Chair will request that AAb takes a lead in</p>	

	<p>preparing our response, which should convey a sense that we are broadly in agreement with the proposal.</p> <p>The HGPS briefly updated Board members on the SPPP consultation under the One Government Reorganisation (document 13), which is about creating ambitious, capable and successful teams, making things happen with the right impact and at pace. Six ALOs are mentioned which are the JCC, the SPB, the OCC, the Chief Statistician, the Medical Officer of Health (MoH), and the Charities Commissioner.</p> <p>As staff are not involved in the current consultation, the JCC is involved only to the extent of consulting on the SPPP structure, and the Board agreed that there would not be much change for the JCC, as the current structure works well. BC attended the launch meeting, AM and BC will attend the mid-point meeting on 6 September. The transition to a new structure is scheduled to complete on 7 October.</p> <p>The HGPS advised that in relation to SPPP staff new job descriptions (JDs) and job families have been devised, and a matching process to the new structure is ongoing. JDs for the admin Commission staff are outdated and don't match their current roles. The JDs for Regulation Officers are up to date, and it is expected that there will be a direct correlation when they go through the matching process.</p> <p>The Board agreed that they want to be consulted regarding the impact for the team and wish to remain in control of recruitment to any vacancies but confirmed that they are broadly in support of the proposed reorganisation and agreed to leave the detail with the CI to deal with operationally.</p>	<p>GH</p> <p>AM</p>
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9.	Plan Workshop 9 October	
	<p>The Chair suggested that the workshop be timed from 9 am to 2 pm and be held jointly with all staff. Word cloud generator software may be needed for an introductory event. The two key topics for review are the Mission, Vision and Values statement, and creating a 'house style' and an internal quality assurance system for regulation and inspection reports. There will be space in the programme to discuss the Frances Oldham report and the verbal feedback from the Ofsted inspection, as necessary. LJ requested copies of inspection reports before the workshop, and a pack of anonymised inspection reports for all types of service will be prepared and issued, with sample reports from other jurisdictions.</p>	<p>MB</p> <p>BC</p>

10.	Any Other Business	
	<ul style="list-style-type: none"> The meeting with Jim Hopley scheduled for November will be moved to January. 	<p>MB</p>

11.	Dates of Next Meeting and forward look	
	<p>The Forward Look to be amended to reflect the Commission's decisions.</p> <p>Dates of next Board meetings:</p> <ul style="list-style-type: none"> • Wednesday 13 November 2019 • Wednesday 08 January 2020 • Wednesday 04 March 2020 (workshop 03 March) • Wednesday 13 May 2020 (workshop 14 May) • Wednesday 08 July 2020 • Wednesday 09 September 2020 (workshop 08 September) • Wednesday 11 November 2020 	

JERSEY CARE COMMISSION

Action Points

	Action Point	Status
P1	<p>Develop a suite of policies and procedures for the Care Commission to include the following:-</p> <ul style="list-style-type: none"> • registration of the professional workforce • inspection of registered premises and services • escalation, enforcement and representation (in process) • investigation of complaints or alleged breaches of regulations under the Regulation of Care (Jersey) Law 2014 • voluntary closure policy 	ongoing
P2	The Piercing and Tattooing Code of Practice to be reviewed and consulted on.	Jan 2020
P3	The Head of Governance Policy and Standards to develop a document management system relating to Commission documents and minutes.	not started
P4	The Head of Governance Policy and Standards to develop a Communication Strategy	not started