

Minutes

Meeting title:	Jersey Care Commission	
Meeting date & time:	Wednesday 04 March 2020 9:00 – 13:40 pm	
Meeting location:	Board Room, 1 st Floor, 23 Hill Street	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Alison Allam (AAI)	Commissioner
	Lisa Jacobs (LJ)	Commissioner
	Siân Walker (SW)	Commissioner
	Ann Abraham (AAb)	Commissioner (by telephone from item 5)
Attendees:	Audrey Murphy (AM)	Chief Inspector (CI)
	Bradley Chambers (BC)	Head of Governance, Policy and Standards (HGPS)
	Mandy Bates (MB)	Meeting Minute Taker
Apologies:	None	

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Minutes of the meeting held on 08 January 2020 3. Minute Summary of the meeting held on 08 January 2020 4. Chair's Report 5. Chief Inspector's Report 6. JCC 12 monthly progress report to sponsor branch (SPPP) 7. Annual Report 8. Complaints Policy – For the investigation and resolution of complaints about the Jersey Care Commission 9. Complaints Policy – Concerns and Complaints about the provision of care 10. Draft Business Plan 2020 11. Registration of Professionals in 2020
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PART A – PUBLIC SESSION

1.	Welcome Introduction and Declarations of Interest.	
	GH opened the meeting and welcomed everyone.	
	GH asked whether there were any declarations of interest with the agenda – none were raised.	

2.	Minutes of last meeting and Matters Arising	
	<p>The minutes of the meeting of 08 January 2020 (document 2) were agreed as an accurate record, with the following amendments:</p> <ul style="list-style-type: none"> • Replace the second bullet point (item 2, page 2) with the words ‘Page 5: Insert the words ‘Law Officers Department’ before LoD.’ • Remove ‘registration of the professional workforce’ and ‘voluntary closure policy’ from the P1 action. <p>SW 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 subject to the following amendments:</p> <ul style="list-style-type: none"> • Item 2, the middle paragraph be amended to read: ‘It was noted that both of the vacant Regulation Officer posts had been successfully recruited to and that the new staff members would meet Board members in March.’ • Item 9, the first sentence to be amended to read ‘Charlie Parker, the Chief Executive of the Government of Jersey together with Mark Owers and Mark Rogers, two senior representatives of Children’s Services attended the meeting. <p>Review of Actions:</p> <ul style="list-style-type: none"> • Defer action P2 to September 2020. • Action P4 was discussed and can be removed. The HGPS will present a short paper at the May board meeting on general governance principles and work plan in respect of compliance with General Data Protection Regulations (GDPR) (Action P4). • Remove actions P5, P6 and P7, as they have been completed. In relation to P6, the Egress Workspace has been reorganised, to assist Commissioners locate relevant documents. 	
3.	Chair’s Report	
	<p>The Chair briefly covered the items detailed in his report (document 4), and also:</p> <ul style="list-style-type: none"> • Confirmed that the workshop held with Commission staff and Commissioners on 03 March had gone well. • Advised that he, the CI and the HGPS had attended a meeting with Tracy Duncan (TD), Head of Finance Business Partnering to discuss the budget and preparation of the annual accounts for 2019 and TD advised as follows: <ul style="list-style-type: none"> ○ the 2019 budget surplus was confirmed ○ TD provided a summary of the 2019 financial position for the 12 monthly progress report ○ TD suggested that the Commission contact the Internal Auditor to identify best practice in financial oversight and compliance with the financial reporting manual and to request an advisory assessment of our financial controls (Action P5). 	

	<ul style="list-style-type: none"> • Advised the Board that AAb will not request a second term on the Board, and he will be making arrangements for the recruitment of two new Commissioners in 2020. • Advised that he had a conference call with Tom Walker (TW) regarding the Commissioners' terms of office, remuneration of the Board, the office accommodation requirements for the staff team, and the Framework Agreement. • Advised that he and the CI had met representatives of the Law Officers Department (LoD) for an annual review of the legal support provided to the Commission. It is acknowledged that requests for support are increasing, and there may be capacity issues which could necessitate outsourcing aspects of legal advice, with the LoD officers support. • Advised that a conference call has been scheduled with Lisa Pascoe (LP) from Ofsted to explore the possibility of contracting for specialist advice for future inspections or monitoring visits. 	
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4.	Chief Inspector (CI) Update	
	<p>The CI presented a written report (document 5) and advised that:</p> <ul style="list-style-type: none"> • There is a new law proposed to cover the registration of all health care professions, dentists, dental professionals, etc. While this may not come into effect immediately, there is a significant amount of work and workforce accommodations required to prepare for the new law. Funding will be needed to adapt the IT system currently used to register health care professionals. The Board asked the CI to update them with progress on this preparation (Action P6). • A meeting has been held with Martin Warnette, Intermediate Care Modernisation Manager to discuss the Jersey Care Model and the increasingly important role of regulated activities in supporting the delivery of care in the community. • A small care home service has advised of challenges associated with occupancy levels and sustainability. • A recent visit to premises operated by the Shelter Trust included a tour of the 'drunk and incapable' unit which is located within an annex to the premises. The staffing of this provision is provided by Shelter staff alongside States of Jersey Police. The Shelter Trust has made an application to register three premises for individuals who experience homelessness, many of whom will also avail of a range of social care and support. The Board requested that the CI provide an update on this to the May Board. (Action 7) • Some care home services which primarily offer accommodation to individuals who are homeless or experiencing domestic violence are particularly challenged in meeting the care home standards. • A complaint made about the Commission by a local dentist has been upheld and an update was provided regarding the outcome of the investigation and actions to be taken by the Commission, including the reimbursement of fees. • Commission staff have handled several complaints about the provision of care home or home care services. These have been logged and the complainants have been supported to communicate with the care provider to seek a resolution. 	

- The number of medical and health care professional registrations completed in 2019 has been reviewed alongside the number of applications received in the first two months of 2020. The number of social workers making an application is disproportionately lower which could suggest less turnover in the workforce and more permanent employees in place. An increase in the number of biomedical scientists seeking to register was noted and possibly relates to the increasing public health concerns regarding coronavirus.
- The Regulation Officers and MB have received confirmation of the outcome of the evaluation of their job descriptions. This has been positive, and both grades have had an uplift. This will take effect at the conclusion of the consultation phase and when contracts have been issued.
- The Commission has been advised that the young care experienced volunteer inspectors (Scotland) are not available at present. Regulation Officers Geoff Gurney (GG) and Alli Tandy (AT) have arranged to meet with Deborah McMillan (Children's Commissioner (CC) to discuss how best to ascertain what children say about their care.
- GG has developed a proposal for a series of monitoring visits to children's social work services. The proposal has been based on Ofsted's methodology for following up on inspections. This will be discussed with LP during a call scheduled for 5 March. This will also be an opportunity to discuss the ongoing working and support arrangements between the Commission and Ofsted. The CI to write to Mark Rogers, Director General Children, Young People and Education Services to request the submission of an action plan following the Making a Difference; Driving Improvement – Follow Up inspection undertaken in September 2019. (Action 8)
- A Ministerial Decision has been made regarding the law drafting of amendments to the Regulation of Care (Jersey) Law 2014. The amendments will be consistent with the Government's policy priorities which include the independent regulation of a range of services for children, including CAMHS, social work, fostering and adoption. The Commission will need to determine the indicative timescales for this work to conclude in order to plan effectively.
- A further piece of legislation under consideration by the Government of Jersey is the Optional Protocol to the Convention Against Torture (OPCAT). Should Jersey become a signatory to the protocol, it is likely that the Commission will be appointed as part of the island's national preventative mechanism (NPM). (Action P9)
- The staff team expect to conclude all applications to register regulated activities within the coming months. The Commission has been advised of five services that are currently being operated by the Government of Jersey that have not supplied an application to register as they were not recognised as a care home.
- Each of the registered regulated activities have been allocated to a Regulation Officer. Case Inspection schedules have been created. It is anticipated that the reports of inspections undertaken in the first quarter will be ready for publication around the beginning of May. It was agreed that some examples of reports that have been finalised be made available to Commissioners for review prior to publication. (Action P10)
- A review of all the information currently on the website is planned.

5. Head of Governance, Policy and Standards (HGPS) update

The HGPS reported:

- Two policies are in draft form:
 - The Inspection Policy, for which consultation has begun.
 - The Escalation, Enforcement and Review Policy, which is yet to go through consultation.
- Supervision templates for the HGPS, Regulation Officers and admin staff have been developed and are in use.
- The following documents are in development:
 - A Supervision Policy.
 - A House Style Guide.
- In the longer term the following Policies will be developed:
 - A Registration Policy.
 - A Voluntary Closure Policy.
- A Register of Interests has been created for Commission staff.
- A Gifts and Hospitality Policy and Register is scheduled to be developed in the future.

The Board agreed that in the interim, the Inspection Policy can be published on the website and that further consultation on this may result in an update. The final policy will be brought to the May board meeting. (Action 11)

It was agreed that the Escalation, Enforcement and Review Policy would not yet be considered final as consultation has not yet commenced. This policy will be brought to the July Board for approval and subsequent publication. (Action P11)

The HGPS reported on the JCC 12 monthly progress report (SPPP) (document 6):

- An updated version of the document was circulated, with some grammatical changes and a breakdown of the 2019 budget provided by TD.
- SPPP had agreed changes to format of the document, although it is accepted that the format could be further improved by discussion with other ALOs.
- The rationale for requiring an office move is described on p9.

The Board agreed that:

- The description of an underspend on p3 was not helpful and could be misinterpreted, so the document should explain that the Commission did not have a clear picture of the budget, as no financial reports were presented to the Board after July 2019.
- The Commission cannot accept the statement that ‘The Treasury Business Partner has supported the team throughout 2019’ as there was no report between July and December 2019.
- It should be clear going forward which parts of the document were completed by the Commission, and which by SPPP.
- References to the Framework Agreement should be removed as that document was not in existence in 2019.
- References to agreed dispute resolution should be removed as there were none in 2019.

	<ul style="list-style-type: none"> • The Board requires clarity regarding what use SPPP plans to make of the document. • The Board noted that the Commission is not required to sign the document. <p>The document needs to be refined to clearly indicate those sections to be completed by the Commission and sections to be completed by SPPP. The Commission needs to have a better of understanding of the purpose of the document. (Action P12)</p> <p>The Memorandum of Understanding (MOU) with the Safeguarding Partnership Board (SPB) is still incomplete and the HGPS will follow this up.</p> <p>There is a plan in place to ensure that the MOU with the CC is signed by the CC and the CI in the coming weeks.</p>	
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6.	Draft Annual Report and Accounts for 2019	
	<p>The Chair advised that there is a meeting scheduled with TD to discuss the accounts and asked the CI to keep him updated with the outcome (Action P13).</p> <p>The HGPS advised that draft annual report has been produced (document 7), and a graphic design company has been engaged to assist with presentation. The final version including an audited statement of accounts will be brought to the May board for approval. Commissioners provided feedback on the content of the Annual Report and these comments will be included in the revised copy.</p> <p>The Board thanked the HGPS for his work and agreed that the final annual report should be put on Egress when the financial information is available. A Summary document of the final report should be prepared.</p> <p>When the report is complete, the Chair will distribute to TW and to the Chief Minister, in accordance with the requirements of the Regulation of Care (Jersey) Law 2014.</p>	

7.	Complaints Policies	
	<p>The HGPS presented the Complaints Policy - for the investigation and resolution of complaints about the Commission (document 8):</p> <ul style="list-style-type: none"> • The document was discussed at a workshop with Commissioners and Commission staff on 03 March. • Changes were agreed at the workshop as follows: <ul style="list-style-type: none"> ○ P 6 if a person remains dissatisfied, they can direct a complaint to the Chief Minister via the office of the Director General of SPPP. ○ The reference to the Ombudsman to be removed ○ Some wording to be included to reference historical complaints and AAb to send through wording to the HGPS <p>The Board agreed to give delegated authority to the CI to post the amended document onto the Commission's website.</p>	

	<p>The HGPS presented the Complaints Policy – Concerns and Complaints about the provision of care (document 9):</p> <ul style="list-style-type: none"> • The document was discussed at a workshop with Commissioners and Commission staff on 03 March. • Changes were agreed at the workshop as follows: <ul style="list-style-type: none"> ○ P 8 ensure Commissioners are within scope. ○ P 8 second paragraph of item 6 include the nature of complaints. ○ P 8 under item 7 replace ‘cannot’ with ‘will not’ and remove the bullet point relating to compensation. ○ P 10 under item 9, some wording to be included to reference historical complaints and AAb to send through wording to the HGPS. ○ P 12 remove the paragraph referencing the Ombudsman. <p>The Board noted that the revised policies blended the six propositions that had been agreed previously as the framework for devising an effective complaints management system.</p> <p>The Board thanked the HGPS for his work on both policies and agreed to give delegated authority to the CI to post the amended document onto the Commission’s website, and the HGPS is asked to research the production of complaint leaflets (Action P14).</p>	
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8.	<p>Papers for Noting from Egress</p> <p>The Commissioners agreed that they had all reviewed the papers that had been posted to Egress as follows:</p> <ul style="list-style-type: none"> • The Care Leavers Offer and Intensive Fostering Service reports. • The Jersey Public Services Ombudsman Feedback report. • The Comptroller and Auditor General Non-Ministerial Departments report. <p>The Board agreed that the Commission is not a non-ministerial department.</p>	
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9.	<p>Budget</p> <p>The Board agreed that a budget for 2020 will need to include funding for:</p> <ul style="list-style-type: none"> • The staff • Training and development • The Board costs • Legal advice • Specialist inspection assistance • Agency staff • Relevant IT <ul style="list-style-type: none"> ○ equipment ○ Database development • Rent and possibly utilities • Graphics design and printing • Funding tied to our strategic objectives 	
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	The CI was requested to agree a 2020 budget with TD ready for the May Board (Action P15).	
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10.	Register of Interests	
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	<p>The HGPS advised that there are two registers, one for Commissioners and one for staff, so that any conflicts of interests can be identified, as is important particularly on a small island.</p> <p>The Constitution requires that the Register of Interests of the Commissioners is publicly available and published on the website. The Board asked the HGPS to circulate the Register of Interests to Commissioners to be updated with memberships and any information which would enable personal addresses to be identified to be removed (Action P16).</p>	
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11.	Authorisation of Inspectors	
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	<p>The HGPS advised that Board has previously approved warrant cards for staff and asked that the power in Article 26 (4) of the Regulation of Care (Jersey) Law 2014 to issue warrants to staff is delegated to the CI.</p> <p>The Board noted that the CI is delegated the power to issue warrants and must advise the Board when she has done so, and that a Scheme of Delegation will be required in future.</p>	
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12.	Business Plan	
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	<p>The CI presented the business plan (document 10):</p> <ul style="list-style-type: none"> • The document was discussed at a workshop with Commissioners and Commission staff on 03 March. • This document should link to the constitution, the Red, Amber, Green (RAG) rated Corporate Performance Tool (CPT), the Risk Register, and staff appraisals and performance will be linked to the Commission's business plan commitments. • The first CPT report will be produced for the May board. • The Board noted the soft consultation approach to creating the document at the workshop with staff. <p>The Board agreed the Business Plan.</p>	
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13.	AOB	
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	<p>The HGPS gave an update on the Social Work degree course provided by Highlands College and will deliver a lecture on 16 March about the Commission, the role of regulation, and how that fits with social work theory, the challenges regulators face in Jersey and how that relates to the Social Worker's role.</p> <p>He advised that Highlands are proposing to offer CPD courses for Social Workers.</p>	
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	<p>The Chair raised that the Commission would need to keep aware of the Coronavirus situation, how that was affecting care in the Island and also that the travel plans for the next meeting in May might be affected, and the meeting might take place by conference call.</p> <p>The CI advised:</p> <ul style="list-style-type: none"> • The HGPS has worked with SPB to create a business continuity plan. • The CI advised that there may need to be some special measures in the registration of staff that might be required at short notice, and also that there may be issues impacting on regulated activities relating to access to essential supplies. There may also be staffing issues if staff are required to self-isolate. <p>The Chair advised that this is the last Board meeting that AAb will attend and took the opportunity to thank her for her contribution to the work of the Commission.</p>	
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14.	Date of next meeting and forward look	
	<p>Dates of Board meetings in 2020:</p> <ul style="list-style-type: none"> • 13 May • 08 July • 08 September Board and 09 September Workshop • 11 November <p>The Forward Look was reviewed and was amended to reflect the decisions made in the meeting.</p>	

JERSEY CARE COMMISSION

Action Points

	Action Point	Status
P1	Develop a suite of policies and procedures for the Care Commission to include the following:- <ul style="list-style-type: none"> • inspection policy • escalation, enforcement and review (in process) • complaints about the commission • complaints and concerns about the provision of care 	Ongoing
P2	The Piercing and Tattooing Code of Practice to be reviewed and consulted on.	September 2020
P3	The Head of Governance Policy and Standards to develop a document management system relating to Commission documents and minutes.	ongoing
P4	The HGPS was requested to present a short paper to the May board on general governance principles and work plan against General Data Protection Regulations (GDPR). 4 – 11 May 2020	Ongoing and by May board

P5	CI contact the Internal Auditor to discuss what similar sized Arms-Length Organisations (ALO's) are required to do and to request an advisory assessment of our financial controls	Ongoing and by May board
P6	The CI will report on the progress of the preparation for the new professional registration Law.	September
P7	The CI to provide at the May Board Meeting a further update on what steps she has taken in regard to the concerns that have been expressed in relation to the custodial aspect of a care service. May 2020	Ongoing and by May board
P8	The Commission will write formally to Mark Rogers to request the action plan for how Children's Services will respond to the recommendations in the follow up Inspection Report, 'Making a Difference; Driving Improvement'.	Ongoing and by May board
P9	Invite Ruth Johnson to the May Board to update the Board on policy matters relating to the Regulation of Care (Jersey) Law 2014, particularly Children's Services.	Ongoing and by May board
P10	Inspection reports to be reviewed at the May Board.	Ongoing and by May board
P11	The HGPS to provide an update at the May Board on the completion of consultation on the Inspection Policy and to review the Escalation, Enforcement and Review policy that is ready for consultation, and to provide an update to the July Board on the completion of the consultation on the Escalation, Enforcement and Review Policy.	Ongoing and by May board
P12	Report back to SPPP on the 12-monthly report.	Ongoing and by May board
P13	The CI to keep the Chair updated after meetings with TD in respect of the accounts of the Commission.	Ongoing
P14	The HGPS to research the production of complaints leaflets.	Ongoing and by May board
P15	The CI to agree a 2020 budget with Tracy Duncan, Financial Accountant for the May Board.	Ongoing and by May board
P16	The HGPS to circulate the Register of Interests to be updated and published.	Ongoing and by May board