

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date & time:	Wednesday 08 July 2020 9:30am – 12:30pm	
Meeting location:	Via Video Conferencing	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Alison Allam (AAI) Lisa Jacobs (LJ) Siân Walker (SW) Ann Abraham (AAb)	Commissioner Commissioner Commissioner Commissioner
Attendees:	Audrey Murphy (AM) Bradley Chambers (BC) Sally Hazley (SH)	Chief Inspector (CI) Head of Governance, Policy and Standards (HGPS) Meeting Minute Taker
Apologies:	None	

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Minutes of the meeting held on 13 May 2020 3. Minute Summary of the meeting held on 13 May 2020 4. Chair's Report 5. Chief Inspector's Report 6. Head of Governance, Policy and Standards Update 7. GDPR – Governance Principles and Work Plan 8. Six Monthly Report for SPPP 9. Budget to Date 10. Supported Accommodation Standards 11. External Complaints Reviewer
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PART A – PUBLIC SESSION

1.	Welcome Introduction and Declarations of Interest.	
	GH noted that this meeting is not being held in public due to the constraints of Covid-19 and thanked SH for agreeing to take the minutes of the meeting.	

2.	Minutes of last meeting and Matters Arising	
	<p>The minutes of the meeting of 13 May 2020 (document 2) were agreed as a factually accurate record up to page 7 (open session).</p> <p>LJ proposed acceptance of the minutes. This was seconded by SW.</p>	

Commissioners discussed the progress made with each of the action points arising from the previous Board meeting:

- P2 item 3 Chair's Report. The process of appointing new Commissioners has been postponed until travel restrictions are lifted. Action Point: GH to contact Peter Charalambous from the Jersey Appointments Commission (JAC), to re-schedule the advertising for recruitment to September.
- P3 – action completed – meeting with Tom Walker (TW) Director General, Department for Strategic Policy, Planning and Performance (SPPP), on 12 May. The minutes of that meeting were uploaded to Egress on 12 June.
- P4 – Regarding the delay in the registration of the Health and Community Services (H&CS), facilities under the Regulation of Care (Jersey) Law 2014, CI had been in contact with Jo Poynter, Associate Managing Director. CI reported that sufficient progress has not been made and has serious concerns that each of these services are continuing to operate without being registered (which is a legal requirement). SW expressed concerns about the delay in registering these services and GH confirmed that they are services are technically operating outside of the law. AAb agreed that this was wholly unacceptable and cautioned that this poses a risk to the Commission's reputation. Action: GH and CI to liaise with TW and Law Officers Department regarding escalation before writing formally to the Minister for Health or Chief Executive.
- The Framework Agreement has been signed by the Chief Minister and is now on Egress. The Chair advised that he had accepted a proposal from the Chief Minister to amend paragraph 50 which refers to the Commission's duties under the Freedom of Information Law. It has been agreed that the Commission, whilst not being a registered authority, will respond to Freedom of Information requests as though it were a registered authority.

The Summary Minutes were agreed by the Board with the following amendments:

- P1 - Chair's Report, paragraph 3 'All Commissioners' to be replaced with, 'Three Commissioners have accepted their offers to continue for another term and one Commissioner will remain on the Board until November 2020'.
- P2, paragraph 4 to read, 'The Commission has the capability to undertake a 'site' inspection if there were concerns that would warrant it'.
- P2, paragraph 5 to read, 'The Commission has until'

The Board agreed to the amended Actions listed as below:

- Actions P 1 and 4 - HGPS will provide an update in his report.
- Action P 5 - no response has yet been received by Internal Auditor. GH to write formally to the Internal Auditor to request an advisory review.

	<ul style="list-style-type: none"> • Action P7 to be removed – no further action. • Action P9 is covered in CI’s report. • Action P10 - have around 10 completed inspection reports that are now ready to be uploaded to the website – CI to arrange for Commissioners to view examples in advance of open publication. • Action P11 - HGPS to update regarding policy issues. • Action P12 - now closed. • Action P13 - captured in CI’s report. 	
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3.	Chair’s Report	
	<p>GH advised:</p> <ul style="list-style-type: none"> • In respect of the Covid 19 (Capacity and Self Determination (Jersey) Regulations 2020 – he had received a response from the Minister dated 30 June 2020 (posted to Egress). TW had also responded to GH in a letter dated 12 June in which he acknowledged that there was a significant misunderstanding and miscommunication about the extent to which officers had engaged with representatives of the Commission. GH also wrote to the Children’s Commissioner and Chair of the Scrutiny Panel in which he enclosed a copy of the Commission’s Position Document. • GH’s understanding is that the Minister has not yet triggered the ‘extraordinary period’ in which the amended Regulations would come into operation, and that he may not do so before the Regulations expire on 30 September. • CI reported that she had been in contact with Ruth Johnson (Policy), regarding guidance being issued to care managers to support them in undertaking the role associated with the Regulations. It is not apparent that the matter has been progressed further by GoJ. • AAb and SW expressed concern regarding the letter from the Minister (page 2, paragraph 3), regarding the Commission being asked to provide the Minister with an assurance that guidance and support would be given by the Commission to enable care managers to fulfil the requirements of the Regulations. GH will consider whether this presumption merits a written response. 	

	<ul style="list-style-type: none"> • HGPS explained that the Scrutiny Panel had heard from two civil servants who had advised that the Commission had been consulted when this was not accurate. GH stated that the letter received from TW had acknowledged that due process had not been followed. CI advised that the Children's Commissioner became aware of this proposed amendment more by accident than design and understood that the Commission had not been consulted, and its position had been mis-represented. The Scrutiny Panel have yet to respond. • GH said that once travel restrictions are relaxed, he will arrange face to face meetings with representatives of both the Scrutiny Panel and the Assistant Minister for Health and Social Services. Additionally, he had intended to meet with the Children's Commissioner (07 July), but that this meeting had been rescheduled. 	
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4.	Chief Inspector (CI) Update	
	<p>CI presented a written report (document 5) and advised that:</p> <ul style="list-style-type: none"> • Meetings have been minimal and all virtual • No complaints have been received regarding regulated activities • The number of medical and health care professionals' registration applications have decreased • Workforce Issues: An Administrative Assistant (SH) is working her notice and is due to leave mid-August. A Regulation Officer's (GG) contract has been extended from the end of September to the end of December. Recruitment is underway for a full-time Administrative Assistant • The Legislative Changes associated with Covid-19 are due to expire on 30 September 2020 • A total of 42 scheduled inspections were postponed in the period from the end of March to June. It will be possible to undertake some but not all the scheduled/intended inspections this year, due to the Covid-19 pandemic. However, the team have been in regular contact with managers of regulated activities. • GH reflected upon how the care sector in Jersey has fared in comparison to the UK mainland. He wished to acknowledge that care home managers and their staff have made tremendous efforts in preventing Covid-19 infections from spreading throughout the care sector. He also expressed his gratitude to the Commission staff in their efforts to maintain links with the sector and in providing guidance and support. SW suggested that we write formally to the care homes to thank them. AM said that the team have commenced a reflective exercise on their practice through the pandemic and agreed that 	

	<p>some formal communication to the homes from the Commission would be of benefit. GH suggested the establishment of a focus group with several managers of care services to gauge opinions on what constituted the primary challenges and what had worked well throughout the pandemic. This would also be useful preparation for a potential second wave.</p> <p>AAb said she was pleased that CI had requested support from SPPP to locate suitable alternative office accommodation. GH said that Rachel Williams (RW), had ascertained from Jersey Property Holdings that there are no suitable premises either currently available or likely to become so in the immediate future. Consequently, he will inform SPPP in the next quarterly meeting that it is the Commission's intention to consider leasing property from the commercial sector. AAI said the new premises must be fully accessible. Action: CI and HGPS to prepare a specification and to source suitable alternative office accommodation in the commercial sector.</p>	
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5.	Head of Governance, Policy and Standards (HGPS) update	
	<p>HGPS advised:</p> <ul style="list-style-type: none"> • The Annual Report is complete, has been presented to the States Assembly by the Chief Minister, and is now uploaded to the Jersey Care Commission's website • The Complaints leaflet is complete, and a proof is available on Egress. HGPS to receive and consider any comments or proposed changes from Commissioners. SW raised an issue regarding consistency in the wording. SW to email HGPS separately • The Inspection Policy has been amended to reflect the changes to the inspection methodology during the pandemic. Inspections have recommenced but in a modified way in that they will be announced rather than unannounced; shorter in duration; Regulation Officers will not inspect the condition of the premises and will wear PPE. GH queried the availability of appropriate PPE. HGPS explained that GoJ has provided masks, gloves and aprons. CI confirmed that she is satisfied that the PPE is adequate. It was acknowledged that the team are pleased to be able to recommence operational activities • Staff have taken the opportunity during the pandemic to undertake mandatory and CPD training • Quality Assurance – HGPS intends to undertake quality assurance work with care providers and managers to analyse which aspects of the inspection process are working well and whether changes may need to be made. This will provide an opportunity to revisit the standards, to understand the extent to which they are fit for purpose. AAb commended this initiative and commented 	

that it represents a broadening of scope from operational work towards the wider considerations of quality.

Item 5.1: GDPR – Governance Principles and Work Plan.

HGPS presented the GDPR – Governance Principles and Work Plan (document 7). There is a need to determine how to manage the processing and retention of data. Currently the Commission maintains an extensive archive of historical records and documentation. Ultimately these documents will need to be either scanned (and the originals destroyed), or archived appropriately, in line with the Data Retention Schedule. This represents a significant resource implication. The documentation is held securely but there is a concern relating to how and where this data will be retained if alternative accommodation is sourced. GH concurred that additional administrative support is required to facilitate this work and asked whether CI should bid for increased resources to undertake specific work in this area. CI and HGPS agreed to discuss this further.

HGPS advised that the existing data protection/GDPR policies and documents are adequate.

HGPS has contacted all external organisations relevant to the registration of health and care professionals in Jersey with a view towards the preparation of appropriate memoranda of understanding and/or data sharing agreements. Of twelve organisations, three have responded (each agreeing that this would be of benefit). AAI queried whether this constitutes a risk and, if so, should it be recorded on the risk register. HGPS responded that in his judgement, any risks associated with this are slight and, as such, the risk does not require formalisation. However, this matter may need to be revisited in the future.

AAb proposed that the Commission create a Publication Scheme. In the interests of openness and transparency, Board documents should be made publicly available (i.e. added to the Commission’s website), wherever possible, without the public needing to request them. Action Point: The Commission to consider creating a Publication Scheme to identify which documents should be in the public domain. The possibility of making the Framework Agreement publicly available will be included in the agenda for discussion with SPPP. CI asked whether all Board papers should be published. It was agreed that they should be published unless marked, ‘confidential’.

Item 5.2: Six Monthly Report for SPPP.

HGPS presented the Six-Monthly Report for SPPP (document 8). HGPS explained that there has been no request from SPPP to produce this document but that the Framework Agreement includes the requirement that the Commission makes representation to SPPP every 6 months to provide a formal update. It is acknowledged that the business objectives have not been met in full due to the impact of the Covid-19 pandemic. GH expressed that it would be of benefit to understand what happens to the report once it is received by SPPP and proposed to

<p>raise this in the next quarterly meeting with TW. Action: GH to provide HGPS with some proposed amendments, as will AAb and SW.</p> <p>Item 5.3: Budget (document 9)</p> <p>Yemi Adekunle (YA), has been recruited to Treasury and is the newly identified contact for the Commission. CI and HGPS have met with YA and will continue to do so monthly and will present a monthly budget summary. The budget statement needs additional clarity as some of the terminology, including income from 'The Sale of Goods and Services', is misleading. Previously, projected fee income was overstated by around £40,000. This error in forecasting was identified in March. Although it was reported at the time, it has not been rectified in the budget statement. The latest statement identifies the Commission as under-performing, as the forecast level of fee income has not been achieved in the given timeframe. YA has alerted the Commission that by year end (December 2020), it will not have raised sufficient income from fees to meet the level of expenditure which it is likely to incur. Representation to TW may need to be made. GH stated that before he raises this matter formally, he requires:</p> <ul style="list-style-type: none"> • Clarification as to why the fee income is below that which is forecast • An understanding of whether the budget which the Commission was informed would roll forward at the beginning of the year has been rolled forward intact • A comparator of the Commission's financial position mid-year 2019, in order to determine why or whether there is a significant difference.
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<p>6. Supported Accommodation Standards</p> <p>CI reported that Geoff Gurney (GG) (Regulation Officer), had developed the draft Standards in recognition that there is a group of young people aged over 18 using care home services who would not associate their needs with those of children in residential care. These young people require care and support in a residential setting, up to the age of 21 and beyond. In response to a question about circumstances where this situation occurs CI identified 'Field View' and 'Thomas House', operated by Children's Services, and 'Strathmore House', operated by the Shelter Trust.</p> <p>CI acknowledged that the draft Standards need further consideration before being approved by the Commission. GG had consulted with staff and management at Barnardo's in early 2019. CI queried whether to either introduce the Standards at this stage and to undertake a full review in 12 months, or to postpone introduction for a short time so that a wider consultation can be undertaken in the immediate future and before they are introduced. LJ suggested that the Children's Commissioner should be consulted before they are introduced. AAb expressed the view that formal consultation on this document is critical.</p> <p>AAb proposed that a 78-page document would not be what a young person would find helpful and suggested that a summary document be prepared. GH suggested that an executive summary could be achieved by combining the narrative from the</p>
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	<p>grey boxes with each of the 10 standards listed on page 3 of the document. LJ mentioned that she understood that this had already been agreed.</p> <p>GH summarised the discussion stating that:</p> <ul style="list-style-type: none"> • The document is mainly complete but requires some additional work • Pro-active consultation with the Children’s Commissioner and a representative sample of young people should be undertaken over the next 6 weeks and that the Standards should remain in draft until this consultation is complete • An executive summary should be created • Commissioners to give GG feedback directly (copied to CI) • CI to advise Commissioners the outcome of the process leading to an agreed set of Standards and an executive summary by the end of August. 	
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7.	External Complaint Reviewer	
	<p>AAb referred to a specification for an External Complaints Reviewer and has produced a draft specification which can be utilised as part of a job information / recruitment pack. It explains the role of the Commission; indicates that the Commission has two complaints policies and advises that the Commission has the facility to engage the services of an external body, or an independent person to undertake second stage reviews of complaints. The document also explains the purpose and content of the review process. AAb will work with CI and HGPS with a view towards progressing this to procurement.</p>	

8.	AOB, Date of next meeting and forward look	
	<p>CI and HGPS will prepare a draft Scheme of Delegation.</p> <p>Although the next meeting in September is likely to be virtual, GH will, subject to travel restrictions being relaxed, travel to Jersey to meet with CI and the team. This will be an opportunity to thank staff formally for their work throughout the pandemic. He also intends to meet with TW and, subject to availability, request meetings with the Chair of the Scrutiny Panel and with the Assistant Minister for Health and Social Services.</p> <p>Dates of remaining Board meetings in 2020:</p> <ul style="list-style-type: none"> • 09 September • 11 November 	

JERSEY CARE COMMISSION

Action Points

	Action Point	Status
P1	GH to contact Peter Charalambous (Jersey Appointments Commission) to re-schedule the advertising for recruitment of two Board members for September / October 2020.	
P2	GH and CI to liaise with TW (SPPP) and the Law Officers' Department, as necessary, regarding the outstanding registrations.	
P3	GH to write formally to the Internal Auditor to request as Advisory Review.	
P4	CI to arrange for Commissioners to view sample inspection reports of those that are now finalised.	
P5	CI to re-schedule the meeting with the Children's Commissioner.	
P6	CI/HGPS to liaise with Jersey Property Holdings to prepare a specification to source suitable alternative office accommodation.	
P7	SW to forward comments to HGPS regarding the draft Complaints Leaflet.	
P8	Commissioners to forward amendments to HGPS regarding the Six-Monthly Report for SPPP.	
P9	Commissioners to consider the need for a Publication Scheme.	
P10	CI to report the outcome of the process leading to completion of the standards for Supported Accommodation by the end of August.	
P11	CI/HGPS to work to prepare Scheme of Delegation.	
P12	CI/HGPS to continue to liaise with YA (Treasury) in order to prepare accurate monthly budget reports.	