

## Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date & time:	Wednesday 09 September 2020 9:30am – 12:50pm	
Meeting location:	Via Video Conferencing	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Ann Abraham (AAb) Alison Allam (AAI) Lisa Jacobs (LJ) Siân Walker-McAllister (SW)	Commissioner Commissioner Commissioner Commissioner
Attendees:	Audrey Murphy (AM) Bradley Chambers (BC)  Mandy Bates (MB) Ruth Johnson (RJ)  Christine Blackwood (CB)	Chief Inspector (CI) Head of Governance, Policy and Standards (HGPS) Administrative Officer/Meeting Minute Taker Head of Policy, Strategic Policy, Planning and Performance (SPPP) for item 6 Policy Consultant, SPPP for item 6
Apologies:	None	

Documents presented:	<ol style="list-style-type: none"> <li>1. Agenda</li> <li>2. Minutes of the meeting held on 08 July 2020</li> <li>3. Minute Summary of the meeting held on 08 July 2020</li> <li>4. Chair's Report</li> <li>5. Chief Inspector's Report</li> <li>6. Draft Scheme of Delegation</li> <li>7. Revised Constitution</li> <li>8. Head of Governance, Policy and Standards Report</li> <li>9. Draft Escalation, Enforcement and Review Policy</li> <li>10. Budget Summary Report</li> <li>11. Revised Amalgamated Risk Register</li> <li>12. Draft Consultation Response, Care of Children in Jersey, Review Panel</li> <li>13. Draft Publication Scheme</li> <li>14. Briefing Paper – Update on Policy Programme</li> <li>15. Jersey Care Model, briefing paper and Scrutiny Panel Request</li> </ol>
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PART A – PUBLIC SESSION

1.	Welcome Introduction and Declarations of Interest.	
	The Chair welcomed everyone to the meeting, noted that there were no apologies, and asked if there were any declarations of interest. None were raised.	
2.	Minutes of last meeting and Matters Arising	
	<p>The minutes of the meeting of 08 July 2020 (document 2) were agreed as a factually accurate record up to page 9 (open session), with the following amendment:</p> <ul style="list-style-type: none"> <li>• The last sentence in the paragraph relating to action point P4 on page 2 be deleted.</li> </ul> <p>AAb proposed acceptance of the amended minutes, which was seconded by LJ. 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"> <li>• Item 5.1 on page 2, remove the last sentence.</li> </ul> <p>Commissioners reviewed each of the action points arising from the previous Board meeting:</p> <ul style="list-style-type: none"> <li>• Actions P1 to P5 can be closed.</li> <li>• Action P2 will be considered in the confidential session.</li> <li>• Action P3: The Chair advised that a meeting with the CI and Rosie Fraser of the Internal Auditor’s Office is scheduled for Thursday 10 September.</li> <li>• Action P6 is covered in the CI’s Report.</li> <li>• Actions P7 and P8 can be closed.</li> <li>• Action P9 is an agenda item (item 5).</li> <li>• Action P10 will be covered in the CI’s report.</li> <li>• Action P11 is an agenda item (item 4).</li> <li>• Action P12 can be closed.</li> </ul> <p>The Board agreed to close all of the actions listed.</p>	
3.	Chair’s Report	
	<p>The Chair presented his Report (document 4) and advised:</p> <ul style="list-style-type: none"> <li>• The recruitment of two commissioners has begun, with a closing date of 9 October. The positions are already advertised in Jersey, and the Chair is due to meet with Deirdre McAvinue to seek confirmation that the advertisement will shortly be appearing in The Health Services Journal, Community Care Online and The Guardian Online. A budget to cover advertising has been confirmed.</li> </ul>	

	<p>The CI has received several enquiries. The Children’s Commissioner (CC) Deborah McMillan has agreed to be on the interview panel.</p> <ul style="list-style-type: none"> <li>• The Chair met with Tom Walker (TW) on 20 July, the CI has outlined the detail in her report.</li> <li>• The Chair met with the CC on 21 July, which is also outlined in the CI’s report.</li> <li>• Regarding item 5, a letter was received prior to the Board meeting from Deputy Renouf, which will be discussed in the confidential brief.</li> <li>• The Chair has two other meetings scheduled later this week: <ul style="list-style-type: none"> <li>○ A meeting with the Financial Accountant Yemi Adekunle (YA)</li> <li>○ A meeting with Rosie Fraser, Internal Audit Manager, regarding a proposal to undertake an advisory audit.</li> </ul> </li> <li>• After discussion with the CI, the Chair proposed to delay the January Board 2021 to allow a reasonable period after the Christmas holiday to prepare Board papers. The Board agreed to meet on 13 January. The remaining 2021 meeting dates were also agreed.</li> <li>• The Chair acknowledged that this is AAb’s final Board meeting. On behalf of the Commission, he thanked Ann for her tremendous contribution to the development of the Commission in its formative stage, as well as her willingness to extend her contract for a six-month period to support the Commission during the height of the pandemic. These sentiments of appreciation were echoed by the other attendees.</li> </ul>	
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<b>4.</b>	<b>Chief Inspector (CI) Update</b>	
	<p>The CI presented a written report (document 5) and advised that she wished to highlight the following:</p> <ul style="list-style-type: none"> <li>• A new risk has been added to the risk register relating to the registration of medical practitioners. It is apparent that the register needs to be revised and updated. A proposal to address that requirement will be formulated, and an update given at the November Board.</li> <li>• A new Administrator, Francesca Bihet, has been recruited and will commence work shortly. Commissioners will have an opportunity to meet Francesca at the November Board.</li> <li>• The legislative changes mentioned in the Report will be covered in item 6.</li> <li>• The CI will provide a detailed update to the Board regarding the inspection schedules in November. Currently there are 42 scheduled inspections which were postponed due to lockdown. It is intended that staff will be able to</li> </ul>	

complete some of those, depending on whether there is a second Covid spike requiring lockdown, any confirmed outbreaks in care homes, or staff required to self-isolate, etc. Board members were advised that it will not be possible to undertake all of the postponed inspections by the end of 2020.

- The Independent Children's Homes Association (ICHA) is undertaking a review of children's homes in Jersey. Geoff Gurney (GG) Regulation Officer, met with the main reviewer. The CI understands that the ICHA's website indicates that they represent 75% of independent children's care home providers in the UK. There are currently no independent children's care homes in Jersey, and staff are not aware of plans for any to be created. The CI advised that she does not anticipate that the review findings will be made public. It is not known if a report will be shared with the Commission.

There was some discussion of the rationale for the ICHA, and the Board acknowledged that the provider is entitled to request feedback from an independent source if it wishes. Such a review is not conducted under the provisions of the Regulation of Care Jersey Law therefore it does not substitute for any statutory inspections conducted by the Commission.

- The CI advised that inspections have been completed for three of the seven children's care home services. These inspection reports have been sent to the provider for factual accuracy checking. The provider is required to respond within 28 days to any identified areas for improvement and to submit a written improvement plan. The reports will be published on the Commission's website once feedback is received, or at the end of the 28-day period. Two more inspections are scheduled, and the two short-break services will be inspected before the end of 2020.
- An inspection of one of the two supported accommodation services is underway and the other is planned before the end of 2020. It is anticipated that all nine residential accommodation services provided by Children's Services will have inspection reports completed and issued before the end of 2020.
- It was agreed that inspection reports of Children's Services be published once they are completed, rather than publish all 9 at the same time. Once the first tranche of inspection reports has been published, the Commission will consider issuing a reflective report about the entire inspection process relating to Children's Services. This will address the Independent Care Inquiry's recommendation that an independent system of regulation of children's homes be established in Jersey.
- In respect of escalation and enforcement, there are a range of escalations that the Commission is in the process of progressing. All are borne out of inspection findings, as well as the findings of Sandra Labey (SL), the Senior Pharmacist, who has conducted medicines inspections on behalf of the Commission.

- Regulation Officers Lesley Callander (LC) and Linzi Mudge (LM) have conducted a thorough review of the Piercing and Tattooing Code of Practice, which is going out to consultation to six practitioners and the Health and Safety Inspectorate. It is anticipated that it will be ready for review at the November Board.
- A letter has been received from Health Minister, Deputy Renouf in response to the letter from the Chair, in respect of the on-going issues relating to the delays in completing the registrations of the Government of Jersey's directly managed services. The Minister's response, whilst positive and optimistic in tone, does not provide the Commission with the necessary assurance that all outstanding matters are being expedited urgently. The CI had recently received relevant correspondence from Caroline Landon, Director General of Health and Community Services (CL).
- There has been media interest in the first suite of inspection reports that were published recently. On 31 August the website's inspection report pages had approx. 2000 hits.
- Supported Accommodation Standards are to be further developed and the Children's Commissioner (CC) has agreed to provide assistance in this task. Unfortunately, this work has been delayed, as inspection reports were prioritised. The Chair advised that Children's Service Standards are due to be reviewed. The Board agreed to request assistance from the CC to review both the Children's and Young People's Residential Care Standards and the Supported Accommodation Standards (Action P1). A plan to complete this work will be presented by the CI at the November board.
- SW offered to assist with the review the Supported Accommodation Standards. The Chair proposed that SW assist the CI with condensing the Standards into a 'user friendly' summary that would be appropriate for young people to refer to. The Board agreed to produce a summary of the Supported Accommodation Standards for young people (Action P2).
- The HGPS provided an update on alternative office accommodation. Jersey Property Holdings had suggested 6 options in St Helier, several of which appear to be suitable. Rental costs are in the vicinity of £40,000 to £60,000. Costs relating to utilities and service charges also need to be considered. Commissioners stressed the importance of public profile, accessibility and future proofing office accommodation to meet the expected growth of the Commission over the next five years. The Chair will raise the additional costs when he meets with YA and TW. The HGPS would explore options further.
- The Chair asked about the archive store at 23 Hill Street, and the HGPS advised that following advice from the Jersey Archive, although the Commission must retain a significant amount of information, some can be disposed of appropriately and some printed matter can be passed to the Archive.

#### 4.1 Scheme of Delegation

The CI presented the draft Scheme of Delegation (document 6). The Scheme of Delegation sets out the roles of Commissioners as Panel members, the roles of the Chief Inspector, Regulation Officers, HGPS and the administrative officers. The updated Scheme of Delegation was agreed, subject to an amendment that the word 'independently' on page 2 is replaced with 'itself'.

#### 4.2 Constitution

The CI presented the draft Constitution (document 7) with the prospective changes highlighted. The Board approved the revised Constitution subject to the following:

- a bi-annual review was sufficient
- the first paragraph will be added to page 8, and the remainder of the amendment deleted
- the amendment regarding Covid-19 be removed, except the last sentence about meeting virtually.

Commissioners discussed whether the Register of Interests should be made public, and the HGPS was asked to confirm whether other Jersey Arms-Length Organisations publish their registers, and if the Comptroller and Auditor General advises that it is good practice to publish this information in Annual Reports.

The Chair proposed that from January 2021, the Register of Interests be tabled at each Board meeting as part of the public facing suite of papers. AAb and the Chair will supply the HGPS with templates of how such registers are presented in other ALBs, and the HGPS will send the current Register of Interests to the Chair.

The Board agreed that Commissioners' Declarations of Interest should be made public and to review what arrangements other ALB have in place to publicise their Board members' interests. (Action P3).

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

The HGPS presented a report (document 8) and advised that:

#### 5.1 Escalation Enforcement and Review Policy (document 9)

- Consultation on the Policy is now complete. The Board was advised that of the 17 services/providers that had been asked for feedback, four had responded. SW raised a concern that we do not state that any 'holding company' will be informed of any action under the policy.

The Board agreed to approve the policy subject to a further review in September 2021, and the Chair suggested that the Commission consider reviewing the document with a virtual focus group in August 2021.

## 5.2 Budget Summary Report (document 10)

The HGPS noted that:

- The Commission has received a draft budget report based on August's figures from YA, with an end of year deficit of approximately £26,000 (July figures showed a deficit of £532).

The main financial movements affecting the year end estimate are:

- An error in calculating fee income received in 2020 from Government of Jersey Services, due to an overestimate of the number of beds. The annual fee for each registered bed is £164.
- Payments for Medical Practitioner registrations which have not yet been transferred from Health and Community Services.
- Total salaries paid in 2020 will be greater than those in 2019.
- The Commission is due to receive a transfer from Children, Young People, Education and Skills of £18,000 a refund of the salary of one Regulation Officer who was temporarily deployed to Children's Services.
- The Commission may access £75,000 that had been set aside for an Ofsted Inspection, which would not happen in 2020.
- The costs of the Commission meetings would be less for 2020 as the meetings were conducted remotely.

The Chair noted that for the first time the Commission is receiving regular and seemingly reliable financial reports, which is a significant improvement. The Board noted that the intended change in office accommodation and the requirement to source independent legal advice could add to the forecast deficit in 2020 and would need to be factored into the budget allocation for 2021 and beyond.

## 5.3 Amalgamated Risk Register (document 11)

The HGPS advised that the risk register has been aligned with the annual business plan and suggested that risks with a low score be removed. The score on risk 1.1 should be corrected to 12. The Board agreed to remove risks 1.2; 1.3; 1.7; 1.12; 1.13; 2.5; 3.2 and 6.2. The Chair noted that the red risks had been covered to some extent in the Chief Inspectors Report, and it was agreed to review the red risks in greater detail at the November Board.

## 5.4 Proposed Care of Children in Jersey Review Panel Consultation Response (document 12)

The HGPS advised that AAb had assisted with the production of the response, which included reference to the pre-existing proposal for the establishment of a Public

<p>Services Ombudsman in Jersey about which the Commission has already indicated its support. The Board agreed the response, which will be sent to Deputy Rob Ward.</p> <p><u>5.5 Publication Scheme (document 13)</u></p> <p>The HGPS presented the draft publication scheme. The Board agreed the Scheme, subject to the following amendments:</p> <ul style="list-style-type: none"> <li>• paragraph numbers added to the headings</li> <li>• the classes of confidential information to include: <ul style="list-style-type: none"> <li>○ matters subject to legal privilege</li> <li>○ matters commercially sensitive.</li> </ul> </li> </ul>
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<p><b>6. Update on Policy Programme for Jersey Care Commission</b></p>
<p>RJ and CB joined the meeting.</p> <p>RJ explained:</p> <ul style="list-style-type: none"> <li>• that Covid-19 had resulted in the majority of SPPP staff working on Covid related matters and therefore the legislative programme had been delayed.</li> <li>• that the Covid emergency amendments to the Regulation of Care (Jersey) Law 2014 (RoCL) and to the Capacity Law would fall away on 24 September. They could be reintroduced if there is a need.</li> <li>• that work has been completed on refining legal definitions.</li> <li>• that Francis Walker (FW) and CB have been working on a draft amendment to the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 to enable the Commission to regulate specific aspects of Children’s Services. Consultation will take place during the last quarter of 2020 and the draft amendments are scheduled to be lodged in July 2021. It is anticipated that they will come into force in quarter 4 of 2021 and that inspections will be able to commence thereafter.</li> <li>• that additional monies have been set aside in the Government Plan in order that Children’s Social Services can pay fees to the Commission which will fund the resource capacity of the additional regulation.</li> <li>• that the definition of care homes will be amended in the Regulation of Care Law, to separate children’s care homes from adult services, as during the height of the pandemic, it was not possible to legislate separately for homes for children and those for adults.</li> <li>• that a single Professional Registration Law with a standard registration process is being devised to register all Health and Social Care professionals as a secondary registration, and those professions which do not have an equivalent UK regulatory body will no longer be registered in Jersey.</li> </ul>



- the Commission will not have the responsibility to establish a conduct committee tribunal as that function will be provided by the UK regulatory body, but the Commission will have the power to suspend a registrant whilst they are subject of an investigation by the UK regulatory body.
- a fee will be required for all registrants to fund the additional resources required by the Commission.
- dentists, opticians and pharmacists will have to register with the Commission.

The Chair welcomed the proposals and recognised that there will be a significant amount of work to bring this additional legislation into place, which will add to the range of responsibilities falling to the Commission. RJ advised that Policy Officers intend to work closely with the Commission to create a realistic timescale to ensure the Commission is prepared to undertake these additional responsibilities.

CB advised that it is helpful to be aware that there are no private fostering or adoption services in Jersey, and the Children's Law requires those services to be provided through the Minister of Health.

RJ advised that a meaningful dialogue needed to be held between Policy Officers and the Commission when the draft policy has more shape. A Head of Governance is being recruited, and when that person is in place, they will work directly with the Commission to prepare for the new legislation.

The CI thanked RJ and CB for the useful information and asked that the CI and the HGPS continue to liaise with RJ to prepare for this legislation. The Chair asked that RJ advise MB of dates of further meetings between the Commission and policy leads in 2021 to be included in the Forward Look.

CB advised that additional legislation will need to be put into place regarding the regulation of the acute hospital, social services, adult mental health, primary care, dental practices and cosmetic techniques, but legal definitions have been created for those services. The Commission will regulate treatment as well as care. The timescale for all the regulation to be in place is by 2025.

The Chair advised that the scale of the work to be accommodated by the Commission appears daunting. The Commission would need to add to its current skillset to be able to do all that it could to implement the proposed measures. CB advised that the new Regulations can be applied in phases and in accordance with an agreed timeframe.

In response to a question from the Chair, RJ advised that it is unlikely there will be progress regarding a pan-island Commission until Guernsey decides on its intentions regarding the legislative framework.

RJ acknowledged that this was AAb's last Board meeting thanked AAb for her services to the Commission since the outset.

	Commissioners agreed that the scale of the work which will need to be undertaken by the Commission would influence the extent of the office accommodation needed going forward.	
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<b>7.</b>	<b>The Jersey Care Model – response to the Health and Social Security Panel</b>	
	<p>The Chair and the CI presented the Jersey Care Model (document 15) and noted that AAI and SW had already provided helpful comments on the document.</p> <p>The Commission has received two invitations to provide its views on the JCM document, from Mary Le Hegarat, Chair of the Health and Social Security Panel (MLH), and from Jo Poynter, Associate Managing Director, Health and Community Services (JP). The Proposed model interfaces with many of the services which the Commission regulates and with professionals which the Commission registers.</p> <p>The CI advised that the paper will be lodged with the States Assembly in October 2020, and that the proposed model had been presented to the public in each parish, to canvass views.</p> <p>The Board agreed with AAb that the Commission cannot provide evidence-based replies to each of the questions raised by MLH because some are outside the Commission’s role and remit. The Commission must therefore be clear in the response and of the basis upon which it is responding.</p> <p>The Board asked the HGPS to draw together a response from the comments and discussion at Board and to share it with the Commissioners on Egress for further discussion before submission by the end of September (Action P4).</p> <p>The CI was asked to contact JP to discuss the next steps.</p>	

<b>8.</b>	<b>AOB, Date of next meeting and forward look</b>	
	<p>The Chair advised that he intends to undertake Commissioner recruitment around the time of the November board and proposed that the November board be held virtually. He will arrange to travel to Jersey if the interviews are to take place in the Island.</p> <p>The Board agreed that an independent complaints reviewer is required, and that the remuneration for that post needs to be agreed. Work is needed to benchmark an appropriate daily rate. The Board agreed to complete a specification for a complaints reviewer, to include an agreed daily rate (Action P5).</p> <p>Dates of remaining Board meetings in 2020:</p> <ul style="list-style-type: none"> <li>• 11 November (virtual)</li> </ul> <p>Dates of Board meetings in 2021</p> <ul style="list-style-type: none"> <li>• 13 January 2021 (virtual)</li> </ul>	

	<ul style="list-style-type: none"> <li>• 17 March 2021</li> <li>• 13 May 2021</li> <li>• 14 July 2021</li> <li>• 15 September 2021</li> <li>• 17 November 2021</li> </ul>	
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## JERSEY CARE COMMISSION

### Action Points

	Action Point	Status
P1	To request assistance from the Children’s Commissioner to review the Children’s and Young People’s Residential Care Standards and the Supported Accommodation Standards.	
P2	To produce a summary of the Supported Accommodation Standards for young people.	
P3	To review whether the Commissioners’ Declarations of Interest should be made public/brought to each Board meeting, and if so, agree a format.	
P4	The HGPS to draw together a response from the comments regarding the Jersey Care Model and to put it on Egress for further discussion before submission by the end of September.	
P5	To complete a specification for a complaints reviewer and agree a benchmarked daily rate.	