

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date & time:	Wednesday 11 November 2020 9:30am – 12:50pm	
Meeting location:	Via Video Conferencing	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Alison Allam (AAI) Lisa Jacobs (LJ) Siân Walker-McAllister (SW)	Commissioner Commissioner Commissioner
Attendees:	Audrey Murphy Bradley Chambers Francesca Bihet (FB)	Chief Inspector (CI) Head of Governance, Policy and Standards (HGPS) Administrator/ Meeting Minute Taker
Apologies:	Mandy Bates (MB) Administrative Officer/ Meeting Minute Taker	

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Draft Board Minute September 2020 and Draft Board Minutes Summary 3. Chair's Update 4. Chief Inspector's Report <ol style="list-style-type: none"> 4a. Policy Programme: The Commission's Plan for Implementation 4b. Report to Chief Minister 5. Head of Governance, Policy and Standards Report <ol style="list-style-type: none"> 5a. Budget Summary Report 5b. Register of Interests 5c. Risk Register 5d. Options Appraisal: Office Accommodation
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PART A – PUBLIC SESSION

1.	Welcome Introduction and Declarations of Interest.	
	<p>GH welcomed everyone to the meeting and noted apologies from MB.</p> <p>SW noted her contract with Corserve (Cornwall) had ended, which could now be removed from the Declaration of Interests.</p>	

2.	Minutes of last meeting and Matters Arising	
	<p>The minutes of the open meeting of 09 September 2020 (document 2) were agreed as a factually accurate record, with the following amendments to the 2021 Board dates:</p> <ul style="list-style-type: none"> • 17 March • 11 and 12 May • 14 and 15 September <p>GH confirmed that the extra dates added in May and September 2021 were due to the inclusion of workshops.</p> <p>SW proposed acceptance of the amended minutes, which was seconded by LJ. The amended minutes to be circulated.</p> <p>Commissioners reviewed each of the action points arising from previous Board meetings:</p> <ul style="list-style-type: none"> • Action P1 and P2, covered in CI Policy Programme report. • Action P3, agenda item for HGPS to cover - closed • Actions P4, - closed. • Action P5, CI advised that further work needed to be done on the specification for a complaints reviewer for the Commission. Action P5 remains open for January Board. <p>The Board agreed to close Action P3 and P4.</p> <p>The Summary Minutes (document 2) were agreed by the Board.</p>	

3.	Chair's Report	
	<p>GH presented the Chair's Update (document 3) and advised:</p> <ul style="list-style-type: none"> • Two notable events had taken place that week. The Chief Executive of the Government of Jersey had resigned and a vote of no confidence in the Chief Minister tabled by a fellow Senator had been unsuccessful. GH advised that three ministers had resigned, including Sam Mezec, Minister for Children and Housing. It was unknown as to who would be assigned the vacant portfolios. • GH met with Tom Walker, (TW), the Director General of the Department for Strategic Policy, Planning and Performance on 10 November, who advised it was likely that John Young, the Environment Minister, was to continue to be responsible for regulation of the care sector. TW advised that the outcome of the vote would not affect the appointment of new Commissioners. GH also discussed with TW the recruitment of new Commissioners, Covid-19 vaccination plans, financial plans for 2021 and office accommodation. A minute of the meeting will be circulated via Egress. 	

	<ul style="list-style-type: none"> • GH noted that the interviews for the new Commissioners would be held on 12 November and five candidates were shortlisted. • GH referred to items that had been posted with the Board Papers on Egress, including correspondence with the Chief Minister and Caroline Landon, Director General, Health and Community Services. • GH indicated that he had written to Deputy Renouf, Minister for Health and Community Services, on 3 November 2020. 	
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4.	Chief Inspector (CI) Update	
	<p>CI presented a written report (document 4) and advised that she wished to highlight the following:</p> <ul style="list-style-type: none"> • The Government of Jersey continues to operate several activities which are yet unregistered. Six care facilities had been registered recently. Eight services remain unregistered. Key meetings and site visits had taken place in respect of these services. CI noted the efforts of the team in progressing these registrations. Some progress had been made and necessary documentation relating to the provider and managers had mostly been received. There remains uncertainty relating to the type and category of care provision in some of these services. The Commission has investigated the possibility of prosecution with the Criminal Division of the Law Officer's Department. The Commission will continue to pursue the prospect of prosecution until all facilities are registered. CI acknowledged that those with very complex care categories would need to be registered with conditions attached and associated timescales. GH advised that he had written to the Minister for Health and Social Services, informing him that legal action was being considered. • CI noted that the professional registration renewal process was ongoing and that there had been an increase in new professional registrations, especially nurses, this year. CI noted a downturn in new medical practitioner registrations, in line with routine medical services being delayed due to Covid-19. CI advised of three incidents of health care professionals working without registration. These matters had been raised with several employers, with procedures now in place to reduce the likelihood of this recurring. • A new Regulation Officer, Fiona McLaughlin, had been appointed and is due to commence in January 2021. • CI advised about the planned introduction of emergency Covid-19 Regulations. • CI provided an update relating to inspection activities. It was noted that inspections had restarted in June 2020, with 42 having been completed and 12 scheduled to take place before the end of the year. CI acknowledged that 	

Covid-19 restrictions had impacted on the inspection process and that extra precautions had been put in place, including access to Personal Protective Equipment, reduced footfall, and pre-announced inspections. CI advised that there had not been evidence of reduced quality of care. It was also noted that some homes had chosen to be closed to visitors due to the recent spike in Covid-19 cases.

- CI highlighted that all the children's services had been inspected as a matter of priority. An overview report will be prepared. GH proposed that this should include a section on engagement with care receivers. CI agreed to contact Children's Services to ask for sight of the report provided by the Independent Children's Home Association.
- CI highlighted the Commission's access to legal advice via the Law Officer's Department and the potential need for independent legal advice to avoid a conflict of interest arising from legal challenge impacting on Government of Jersey's directly managed services. The Commission needs to identify one or more independent legal companies to represent the Commission in such circumstances.
- CI updated regarding the enforcement action taken in respect of Atlantic Security Community Services Ltd. An Inspection Report had been re-issued after necessary revisions were made.
- CI noted an incident involving Health and Community Services' arrangements for the transfer of hospital patients to a care home without appropriate registration or consultation with the Commission. The Commission's intervention resulted in these plans being suspended until more appropriate arrangements were in place. The Commissioners noted that this incident was of concern as it impacted on the rights of residents.
- The revised Code of Practice for Piercing and Tattooing had been distributed across the sector for consultation. This was due to end on 30th November. The CI agreed to post the revised Code to Egress for information.
- CI advised that a new care home had applied to be registered. The Silkworth Charity Group intend to provide a general wellness package for young people with a range of addiction and mental health difficulties. This would become the first non-government operated children's home to open on the Island.
- CI explained that Individual Care Workers who intend to receive payment via the Long-Term Care Fund need to become registered with the Commission. It was noted that some Individual Care Workers remain unregistered, and that further efforts to raise awareness of this requirement are needed to encourage these individuals to register. It was acknowledged that there was a potential safeguarding risk relating to these non-registered individuals. CI acknowledged the need to engage with registered Individual Care Workers once a year as there is no statutory requirement for an inspection to take place.

- The Commission has been asked to provide views on potential for a Public Inquiries Law and the implications of the United Kingdom's departure from the European Union.
- GH enquired about online professional registrations and the potential use of YOTI to verify individuals' details. CI provided an update in this regard and Commission noted that this work remains unfinished.

4.1 Policy Programme – The Commission's Plan for Implementation

- This paper sets out the programme of policy and legislation that will impact on the work of the Commission. CI noted the timescales of the new Regulations and how the Commission must prepare to respond to the increased demand upon its resources. This will include sourcing alternative office accommodation, recruitment of staff and the development of new Standards. There will be an expansion of regulated activities to include fostering and adoption, children's social work and other related services. In the longer term, regulation will extend to adult social work and mental health provision. CI advised that the Commission will need to be appropriately equipped to regulate these activities. GH queried the timelines regarding the sharing of papers and deliverables with the Commissioners during their planned Board Meetings in 2021.
- The new Professional Registration Law is scheduled to be enacted in 2023. There would need to be some further recruitment and administrative support to implement this. CI highlighted the financial implications of the necessary recruitment to resource this workload.

4.2 Report to the Chief Minister

- This is an update to the Chief Minister in relation to the Commission's inspections of Regulated Activities during the pandemic. CI acknowledged that there had been twelve weeks in 2020 when inspections were suspended due to the pandemic. The paper highlighted the Commission's achievements in relation to undertaking inspections and set out the priorities for inspections going forward.
- GH noted that the inspection prioritisation would mean that no regulated activity had a gap of more than two years between inspections.

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

HGPS presented a report (document 5) and advised that:

- HGPS had met with several care providers after inspections and noted broadly positive feedback of inspections. One manager suggested the inspection process should focus more upon outcomes, specifically of how outcomes could be achieved and how these might be measured. The inspection process could become more outcome driven. The Chair proposed that this be the focus of a workshop in May 2021.

5a Budget Summary Report

- HGPS highlighted that the Commission had a much clearer understanding of the budgetary position than a year ago.
- HGPS highlighted the end of year variance of £33,181. The Commission is due to receive moneys from Children, Young People, Education and Skills (CYPES) of £35,000. HGPS indicated that there is a projected positive variance of around £10,000. GH acknowledged the progress in understanding the budgetary position but suggested that the Finance Business Partner from Treasury (Yemi Adekunle) attends a Board Meeting to explain budgetary matters further. GH had discussed with TW (Sponsor Branch) and noted his responsibility to notify TW if there was a projected deficit. HGPS understood that there would not be a deficit in month 12 (December 2020). SW noted the Commission should thank Yemi for his work in refining the financial reporting framework. SW clarified that the current adverse variance was £9,319. CI noted that the excess of around £10,000 would cover extra staffing hours and IT equipment.
- HGPS noted that the budget projection for 2021 would include increased staffing provision of three full-time equivalent posts for Regulation Officers and administrative support. HGPS highlighted that income from fees was due to increase. He advised that are projected rental costs of £60,000-£65,000 plus service charges relating to alternative office accommodation and the possibility of additional expenses for independent legal services. The additional revenue required to meet these costs would need to be raised by either increased budget and/or fee increases. The Chair agreed to write to TW setting out the Commission’s additional financial requirements for 2021.

5b Proposed Register of Interests

- HGPS had taken advice from the Information Commissioner and considered the practice of other regulatory bodies in respect of how Board Members’ interests are made publicly available. The register should include all information that was relevant to the role of the Commission but might exclude information which is not. HGPS looked at the Auditor Generals Register of Interests, which included contracts, remunerated activities and directorships which were relevant to the activities of this body.

- GH noted this was helpful benchmarking of best practice. GH noted the Register of Interest needed to be proportionate and suggested three actions.
 - Starting from January 2021 all interests are declared at the start of each Board meeting, with the Declaration tabled for noting.
 - At the beginning of each Board Meeting any changes to Declarations of Interests should be confirmed.
 - The Annual Report published on the JCC website will include the most up to date Declarations of Interests.

5c Risk Register

- HGPS presented a record of the risks associated with the role and function of the Commission at the current time. Only high risks were included in the report, although lower level risks are recorded on the integrated risk register.
- Risk 1.1. HGPS noted that there is currently a degree of instability affecting the staffing team. A new Regulation Officer is scheduled to join the Commission in January 2021. This staff member will require a full induction. Some current members of staff have not yet completed probationary periods. HGPS advised that some administrative functions were overly reliant on a single member of staff. The pandemic had led to challenges associated with team cohesion and in the need to manage physical distancing in a small office space.
- GH suggested:
 - Contacting the Office of the Internal Auditor to ask for advice in formatting a risk register.
 - Separating the business objective from the risk column.
 - Including an additional column identifying risk owner.
- Risks 1.8 and 1.15 are similar, in that they both relate to aspects of inspections. These include the use of an inspection scheduling tool to better enable the prioritising of inspection work, and the undertaking of a planned annual programme of announced and unannounced inspections. HGPS advised that it is certain that all the intended inspections would not be carried out in 2020 due to Covid-19 restrictions.
 - GH suggested qualifying what had been done to control the risk, including writing to providers to inform them and re-scheduling inspections.
- Risk 1.14 relates to the registration of services. HGPS noted that there is reputational risk to the Commission as several Government of Jersey services have yet to become registered. HGPS also advised that individual care workers are required to register with the Commission but are not subject to an annual inspection. CI noted that Commission could hold individual care workers to account, even though the law did not require an annual inspection.

SW felt that the Commission's position needs to be clarified in the documentation. AA noted that there could be improved public engagement about the Commission's role. LJ suggested engaging with carers' organisations in Jersey to improve awareness of the requirement to become registered.

- Risk 2.3 relates to IT infrastructure in relation to renewals and registration. Currently both processes require manual data inputting and HGPS noted the large requirement of administrative resources in undertaking this part of the Commission's function.
- Risk 6.1 relates to the requirement that the Commission formulates a three-year financial plan. Currently, the Commission is unable to do this comprehensively. HGPS explained that expenditure can be estimated with some accuracy and that some ring-fenced and fee income can be estimated, it is not possible to predict the Commission's full income over a three-year period with accuracy.

5d Optional Appraisal for Accommodation

- HGPS provided detail in relation to the factors which necessitate the sourcing of alternative office accommodation; the criteria which need to be met in sourcing such accommodation; the process which had been undertaken in the search for such accommodation and a summary of each of the properties which had been considered to this point.
- Jersey Properties Holdings do not have a suitable office for the Commission and are therefore supporting the Commission finding a property in the private sector.
- HGPS highlighted the various difficulties associated with the current offices at Hill Street. These include the lack of disabled access and the lack of toilet facilities (these must be accessed through a set of doors through to the Law Officer's Department). There is insufficient space to facilitate physical distancing. There are concerns relating to fire safety. The independence of the Commission may be undermined through the proximity to Government of Jersey organisations.
- HGPS advised that many potential properties had been visited in St. Helier. However, the majority would require a costly refit. HGPS had identified that one property appears to best meet the needs of the Commission. In this case, the refit cost would be borne by the landlord. The property is expected to become available by June 2021. HGPS acknowledged the need to demonstrate value for money, with predictable rental cost rises to be factored in over the period of a nine-year lease.
- AA noted that nine-year lease was long, especially regarding the fast pace of changes. HGPS highlighted a lease break clause.

	<ul style="list-style-type: none"> • LJ noted the need to exercise caution in relation to the other types of businesses that might rent office space in the building which was being considered. HGPS agreed to source information in this regard. • GH shared the detail of his discussion with (Strategic Policy, Planning and Performance) SPPP. TW had expressed words of caution in considering the wider context of budgetary reduction. GH noted that in the longer term, the cost of the accommodation might need to be financed through adjustments to income. GH noted sizeable increases in fees would not be proportionate or acceptable. GH noted a business case is required (HGPS to undertake this work), and that there would need to be assurances of budgetary support from the Government of Jersey during the first three years of the lease. GH noted that the current office space at Hill Street was unsuitable due to the reasons identified. He advised that the Children’s Commissioner should be consulted in order to benchmark comparable cost of leased accommodation. • HGPS noted the risk of other tenants taking properties before the Commission had secured an increase in funding. For this reason, the identification of other solutions should continue. 	
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6	AOB, Date of next meeting and forward look	
	<p>GH advised that:</p> <ul style="list-style-type: none"> • Commissioner appraisals were due in January and February. • The Review of the Memorandum of Understanding with the Government of Jersey should be deleted as it is replaced by the Framework Agreement. • The end of year review of the Annual Business Plan, including the impact of Covid-19 was due in January. • The approval of the Business Plan for 2021 was due in January. • The review of Home Care, Care Home and Domiciliary Standards was forthcoming. • There was a workshop scheduled in May. The topic is Inspection Methodology and Process. Regulation Officers should attend this. • The draft Annual Report and Accounts was due in March and should be completed and signed off in May. • The approval of the Standards will be addressed in July. 	

JERSEY CARE COMMISSION

Action Points

	Action Point	Status
P1	To scope out independent legal services and report to the Board in January.	
P2	Revisions to the Piercing and Tattooing practice shared with Commissioners.	
P3	To complete a specification for a complaints reviewer and agree a benchmarked daily rate.	
P4	HGPS to develop a Business Case relating to alternative office accommodation.	
P5	GH to write to Tom Walker (SPPP) to advise him of considerations pertaining to the Commission's Budget Build for 2021 (and to the longer term). This will include the need to source alternative office accommodation.	