

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date & time:	13 January 2021 9:30am – 12:50pm	
Meeting location:	Via MS Teams	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Alison Allam (AA) Jackie Hall (JH) Lisa Jacobs (LJ) Noreen Kent (NK) Angela Parry (AP) Siân Walker-McAllister (SW)	Commissioner Commissioner Commissioner Commissioner Commissioner Commissioner
Attendees:	Audrey Murphy (AM) Bradley Chambers (BC) Francesca Bihet (FB) Tom Walker	Chief Inspector (CI) Head of Governance, Policy and Standards (HGPS) Administrator/ Meeting Minute Taker Director General SPPP; (for item 6)
Apologies:	None	

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Draft Board Minutes (November 2020) and Draft Board Minutes Summary 3. Chair's Report (January 2021) 4. Chief Inspector's Report – Cover Paper and Report <ol style="list-style-type: none"> 5.1 Risk Management Framework and Integrated Risk Register 5.2 Budget Summary Report 2020 5.3 Draft Budget Build 2021 5.4 End of Year Review of Business Plan 2020 5.5 Draft Business Plan 2021 5.6 Communication strategy 5.7 Annual Report 2021 Discussion Paper
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PART A – PUBLIC SESSION

1.	Welcome Introduction and Declarations of Interest.	
	<p>GH welcomed everyone to the meeting.</p> <p>GH outlined the schedule of the meeting, which would include a briefing by Tom Walker (TW), Director General of Strategic Policy, Planning and Performance (Government of Jersey).</p>	

	The Declaration of Interests had been previously circulated, and no amendments were advised.	
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2.	Minutes of last meeting and Matters Arising	
	<p>The minutes of the meeting of 11 November 2020 (document 2) were agreed as a factually accurate record, with the following amendment to page 10:</p> <ul style="list-style-type: none"> Action Point 2 to read: “Revisions to the Piercing and Tattooing Code of Practice shared with Commissioners” <p>Commissioners reviewed the action points arising from the previous Board meeting:</p> <ul style="list-style-type: none"> Action P2 was complete, confirmed by CI. Action P5 was complete, confirmed by GH. Action P1, the CI intends to undertake benchmarking with the Children’s Commissioner and to seek advice from the Law Officer’s Department. An update will be provided at the March Board Meeting. Action P3, a tender specification for an independent complaints reviewer will be sent to local companies to determine interest. Action P4, there has been a further development in sourcing alternative office accommodation (ref agenda item 3). <p>SW proposed acceptance of the minutes, which was seconded by LJ.</p> <p>The minutes summary was also agreed as an accurate record.</p>	

3.	Chair’s Report	
	<p>GH presented the Chair’s Report (document 3). He welcomed the new Commissioners and thanked those who had assisted the recruitment process.</p> <p>GH highlighted the following:</p> <ul style="list-style-type: none"> A meeting took place with TW in November 2020; the minutes of the meeting were confirmed and available on Egress. A further meeting with TW, CI and HGPS took place on 12 January 2021. BDO has been commissioned to complete an advisory audit on behalf of the Internal Auditor. Terms of reference have been posted to Egress. The key contacts will be Ian Sylvester and Tamara Miller. SW suggested that the advisory audit should highlight the efforts in seeking advice and support regarding the Commission’s budget. GH confirmed a meeting with BDO is scheduled for 15 January at 3 pm with AA and SW in attendance. GH highlighted point 5, noting that Deputy M. R. Higgins had asked a written question (WQ. 455/2020) about the Commission’s inspection activity. 	

	<ul style="list-style-type: none"> • GH updated the Commissioners about progress in sourcing alternative office accommodation. A meeting with TW and others took place on 11 January regarding the Commission’s budget build and the search for suitable alternative office accommodation. Progress has been made in respect of each. CI noted that the risks associated with a nine-year lease had been expressed and that TW had been assured that there would be a break clause. CI noted caution about being co-located with any new Government of Jersey offices, as the Commission was independent. There is currently no budget to account for rental costs as the Commission do not currently pay for office accommodation at Hill Street. HGPS clarified that in addition to fee income, the Commission received a balancing sum from the Government of Jersey, which corresponds to the Commission’s annual expenditure. • CI highlighted that it would be a requirement for the Minister to approve any increase in fees beyond the annual 2.5%. There may also need to be an enhancement to the Government of Jersey’s contribution via the balancing sum. HGPS advised that the current office accommodation remains substandard and would be unable to meet the requirements associated with the planned expansion of the team. In addition, the current building is not DDA compliant. GH advised in addition to the previous paper, a full business case would be necessary and that it was important that the Commission, as an independent regulator, is accommodated in offices separate from the Government estate. GH noted that the offices should be functional and rental costs benchmarked against similar accommodation nearby. • AP noted that it was important that the Commission is allocated a budget at the beginning of the financial year, rather than be reliant on a balancing sum at year end. CI noted that the Commission can currently only be assured of part of its annual income (fee income) and that this makes budget planning problematic. The current arrangements, in relation to both accommodation and budget, compromise the ability of the Commission to be fully independent. GH noted it was fundamental to have accurate budget planning and that, as per most other arms-length organisations, the CI would be the accounting officer and be responsible for a devolved budget. GH noted that a ‘Thinkpiece’ was being undertaken by the Comptroller and Auditor General regarding assurance and how the accounts of arms-length organisations are audited. • GH is due to meet with the Minister for the Environment on 13 January 2021, when he will highlight areas of strategic policy and the Commission’s Business Plan. 	
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4.	Chief Inspector (CI) Update	
	<p>CI presented a written report (document 4) and highlighted the following:</p> <ul style="list-style-type: none"> • It had been a very busy few months with the end of the financial year on 31 December and the renewal of Health Care Professionals registrations. CI noted the efforts of the Team during this period. 	

- The Commission has been included in a range of meetings with health and community services and this has enabled the Commission to provide informed support of the sector during the pandemic. CI also noted recent engagements with the Ministers regarding policy decisions.
- The Commission continues to receive feedback from members of the public with regard to care providers and the inspection process. Responses are provided to those who contact the Commission.
- There has been a significant increase in new registrations of health care professionals, concurred with an increased demand associated with the pandemic. There were fewer Medical Practitioners registered, reflective of fewer locums visiting the island during the pandemic.
- CI noted that all Dental Nurses, now need to register with the Commission, due to a change in law. Dentists continue to be registered with the States Greffe. There is a need to communicate effectively with the dental profession over this new registration requirement. CI highlighted the labour-intensive nature of the registration process.
- A new Professional Registration Law is scheduled for enactment in 2023. The existing register of Medical Practitioners is outdated and needs to be cleansed. The IT infrastructure needs to be refreshed to enable professionals to be complete registration and renewal on-line. CI advised that a new income stream from professional fees would benefit the Commission. However, there was a need to invest in IT systems prior to this being fully realised.
- A new Regulation Officer, Fiona McLaughlin, will start work in the Commission on 25 January.
- CI has updated the Chief Minister in respect of the inspection process.
- Four providers have had to notify the Commission of a Suspension of Conditions due to Covid-19 staff shortages in care homes. In two cases a report was provided to the Minister expressing concern about the quality of care and recommendations were made. The response was immediate and appropriate levels of support were provided. GH enquired if any other providers were in crisis due to the pandemic. CI confirmed that, to date, only two care providers had required assistance. CI noted that the Minister had deployed additional resources to provide safe and effective care and that senior nursing staff had been allocated to provide practical support and guidance.
- CI noted that in 2020 there had been 54 inspections of care homes and 22 inspections of home care services. There were also pre-registration visits to Government of Jersey care services. CI noted that during the lockdown, the Commission's inspections were temporarily suspended but that Regulation Officers had resumed inspections since that time. There were, at the time of

reporting, 11 outstanding care home inspections and eight outstanding home care inspections. These are scheduled to take place in Q1 2021.

- A report to the Minister is being prepared in relation to Yellow Fever Vaccination Centres. In addition, pre-registration inspections of Piercing and Tattooing premises took place in 2020.
- The Children's Minister had resigned in November 2020 and the Education Minister had resigned recently. Deputy Jeremy Maçon has taken over both portfolios. CI noted that all the Government of Jersey children's residential care services had been inspected and that specific themes had emerged relating to staffing arrangements and recruitment practices. CI confirmed that an overview report will highlight the responsiveness of Children's Services to the improvement plans.
- The vaccination plan for the sector is well underway. Most eligible care home residents had received the second dose of vaccine, where this was consented and medically possible. CI noted that all care home staff had received the opportunity of one dose. All home care staff had also been offered at least the first dose. There were currently 17 confirmed cases in care homes.
- GH enquired when the Regulation Officers will receive the vaccine. CI advised that this is intended to take place within the next month. AP enquired about the impact of Covid-19 on inspections. CI noted there would be no improvement to access in the short term. CI noted that many care homes had stopped visitors. The inspection process had been modified to reduce footfall and face-to-face meetings. Inspections were also mainly announced during the pandemic. However, in future there would be more unannounced inspections. AP noted that as inspections could not be as thorough as usual throughout 2020, future inspections may need to explore some areas in greater depth. SW enquired about the steps taken by Government of Jersey to support safe care home visiting, especially considering safeguarding concerns. CI noted that on 18th June 2020 visiting guidance improved to allow outdoor visiting. CI confirmed care home visits had occurred from June - December 2020. However, tighter visiting restrictions were reintroduced in December 2020 when the vaccination programme started.
- CI confirmed that 13 of 15 Government of Jersey operated care services have been registered, with one registration refused. Two other services had since been identified as requiring registration and applications would be needed from these services. GH noted that all of these services should have applied to be registered in 2019. SW expressed concern that two further unregistered services were being operated outside the regulatory framework. CI advised that these services are likely to complete the registration process effectively. SW enquired about the service that had been refused registration. CI noted that a robust plan had been put in place by Government of Jersey and shared with the Commission and that this unregistered facility is scheduled to close by July 2021. The Commission's risk register will be updated to reflect this.

5.	Head of Governance, Policy and Standards (HGPS) update	
	<p>The HGPS presented the Risk Register (document 5.1) and advised that:</p> <ul style="list-style-type: none"> • The Register incorporated strategic and operational risks. The format of the register had been amended and that the owner of each risk identified although this needed further consideration. SW requested an opportunity to review the framework and to provide comments. GH noted that correlation of the colour coding to the risk scores needs to be reviewed. GH noted that a maximum score is 25 and that some risks scoring less than 16 were being inappropriately coded as red. • HGPS highlighted risks associated with team growth, development and cohesion. Throughout 2020, there had been limited opportunity for staff development. HGPS also highlighted the risk around the retention and disposal of paper records due to insufficient administrative resources. • HGPS noted the risk around financial accounting, as the Commission could not plan accounts for three years due to difficulties in predicting income. • GH noted the need to populate the “Progress on Actions” column and that the phrase referencing ‘escalation to the Chair’ should be amended to reflect escalation to Board level. • JH enquired about the frequency of review and rescoring the list. GH confirmed that the risk framework was reviewed twice per annum and the individual risks are reviewed at each Board meeting. • GH also highlighted risk 3 and suggested the addition of a specific Covid-19 related risk. This could include the risk of exposure to regulation officers, when conducting inspections and the impact of Covid-19 on operations. • NK observed that many risks were pulled into the red category. GH confirmed that if the risk framework is amended, a score between 11-15 would represent an amber risk and any score of 10 or less would be green. <p>The HGPS presented a Business Plan December Review (document 5.4).</p> <ul style="list-style-type: none"> • GH highlighted Action 5.5 to encourage the providing of feedback across the sector in relation to the Standards and to collate this information. HGPS confirmed that there would be a summary report at a future Board meeting. GH asked if this could be presented at the May Board meeting. Positive feedback had been received from providers. One suggestion was that the inspection process should focus on outcomes. SW suggested using the language of outcomes in the Annual Report to drive the change in practice going forward. 	

- NK suggested reviewing the use of colour coding of performance against objectives to indicate progress throughout the year. For example, to use the colour blue to indicate when an action is complete and green to indicate an action is meeting milestones but not fully completed.
- GH enquired whether the maintenance of an online register of health and social care professionals needed to be given a RAG rating of red. HGPS noted that the registration process continued to be labour intensive and required input from the IT company, Prosperity and the Government of Jersey. HGPS also noted the risk of cleansing the medical professional register was more complex as there is no annual renewal process for doctors. HGPS noted that the task would require additional administrative resources.
- CI noted that there was a reputational risk that the Medical Practitioner register was not accurate and there would need to be legal input regarding the cleansing of this register and removing obsolete entries. CI noted that there was a risk that a practitioner who had been subject of conduct proceedings or had been suspended or struck off a UK professional register, could remain on the Jersey public facing register, and might be operating illegally.
- GH requested an action plan by Q2 to address this risk. GH asked if a change to the law is required to incorporate an annual renewal or license fee for medical practitioners. AP suggested that an annual renewal fee would encourage medical practitioners to cancel registration when no longer necessary or required.
- GH noted that the disposal schedule and three-year financial plan remain red on the RAG rating.
- AP enquired about the Government of Jersey public sector finances and funding, especially regarding office accommodation. GH noted that a rental sum of around £60,000 for the office space was likely to be realistic. He noted that other service charges could push this up to over £80k per annum. He indicated that assurance regarding the recurring effect of the additional rental and service costs had not been received from SPPP and this represents a risk going forward.
- GH noted that the engagement with Treasury on financial reporting means that forming a three-year financial plan was becoming more achievable.

The HGPS presented a Budget (document 5.2) and advised that:

- This was the budget summary report for the period to the end of December 2020.

- The Commission had received £338,432 in fee income. This was less than budgeted, due to an overestimation of the number of beds in care homes.
- Expenditure was £21,965 less than intended.
- The Commission was due to receive a transfer of £35,000 from Children Young People Education and Skills (CYPES) which would result in a positive year end variance of £26,397.
- As a result of having to rely on Government of Jersey for a balancing sum, the variance was out of the Commission's ultimate control.
- AP asked if a positive variance provided an incentive to save money or if this sum could have been spent on administrative support in year. GH noted that if there had been a warning of this underspend by Q3 the sum could have been applied constructively to records management.
- GH noted that the Treasury link worker, Yemi Adekunle (YA) was submitting regular budget reports and will be invited to the next Board Meeting. NK enquired about how the adverse position between 2019 and 2020 was arrived at. GH noted a footnote explaining the budgetary position might be helpful.
- The Commission requires a statement from Treasury regarding the budgetary position as of 31 December 2020 for the Annual Report. It is worth highlighting that the Commission's annual income and expenditure is included in Government of Jersey's audited accounts.

The HGPS presented a Budget Build (document 5.3) and advised that:

- The projected fee income is likely to be more accurate as this is easiest to predict.
- Projected expenditure is an estimation, reflecting the need of the team to expand and find suitable alternative accommodation.
- HGPS noted it is impossible to estimate the Government of Jersey's contribution with certainty and advised caution as to whether the money from CYPES will be recurring and what this sum could be used for.
- HGPS highlighted that the Commission faced additional costs, including a possible additional Regulation Officer, independent legal advice, an external complaints reviewer, project management, additional administrative resource and accommodation. There was also likely to be costs in relation to Ofsted support with the regulation of Children's Services.
- GH highlighted that in January 2020 there was no Budget Build. This document represents an attempt to address a gap and to forecast the Commission's income and expenditure in 2021. The Commission can raise

approximately 50% of income from fees and the Government of Jersey will need to provide budgetary support for the gap. GH highlighted that as the proposed new office accommodation would be available from July 2021, half yearly costs would apply this year, but the full year's rent and service charges would apply from 2022 onwards.

- GH noted there was a risk factor with the sum of £225,000, linked to the fees charged for the regulation of Children's Services in that it only becomes available once these services are registered. GH noted that it was important to maintain a dialogue with SPPP and Treasury regarding planned expenditure and unfunded pressures. GH will write to TW regarding the budget build for 2021 and beyond.

The HGPS presented a Business Plan 2021 (document 5.5) and advised that:

- Some objectives had been carried through from 2020 as part of a three-year plan and that the key performance indicators (KPI's) would need refinement. HGPS highlighted that the overall strategic priorities were broadly the same.
- GH referred to objectives achieved in 2020, which could be removed for this year's plan. He suggested a strategic objective be included around Covid-19 recovery, extending regulatory reach into adult services, including health care, and the need to secure suitable office accommodation.
- CI enquired about the policy implementation timeline already provided by the Government of Jersey. CI noted that planning for regulation of acute services, including the General Hospital, was ambitious, given the pending expansion into other aspects of children's services and mental health services. GH noted there should be a phasing of services new to regulation.
- LJ suggested the Commission should highlight the work that has previously been achieved with children's services and Ofsted. CI noted follow up visits by Ofsted had not been possible in 2020 due to Covid-19. CI noted that in 2020, the Commission committed to inspecting every children's home, publishing inspection reports and to preparing an overall thematic report. LJ advised that the work with children's services should be included in the business plan.
- SW expressed that citizen and user engagements needed to be more fully reflected throughout the business plan, embedding the culture of openness.
- AP noted that the Commission should include the development of outcome-based performance measures as a priority.
- GH noted that the business plan should be re-worked and presented to the March Board meeting for approval.

The HGPS presented a Communication Strategy (document 5.6) and advised that:

	<ul style="list-style-type: none"> • The Communication Strategy was approved by the Board in 2020, but it had not been possible to fully realise the intentions due to Covid-19. However, he noted successes such as the production of the Commission’s first annual report, the development of the website, media interest in the Commission’s activities and specific responses to the pandemic. • The Communication Strategy has been revised and updated to reflect our ambitions for 2021, includes reference as to how the Commission will improve communication, raise its profile, engage effectively with the public and measure its success. The document also looks at how the Commission might have input into policy matters and greater influence going forward. • The revised Communication Strategy was endorsed by the Board. <p>The HGPS presented an Annual Report 2021 Discussion Paper (document 5.7) and advised that:</p> <ul style="list-style-type: none"> • The draft Annual Report and Accounts would be presented at the Board in March, with the intention that this be signed off in May. The Office of the Comptroller and Auditor General has produced a good practice guide for annual reports and this practice had been incorporated into the template. GH suggested that Commissioners profiles and photographs should be included. GH noted that the Annual Report will be uploaded to the Commission’s website with a short print run of 50 documents. 	
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6.	Tom Walker, Director General of the Department for Strategic Policy, Planning and Performance	
	<p>TW joined the meeting and explained:</p> <ul style="list-style-type: none"> • The Government of Jersey perspective regarding current challenges. • The broad phases of the pandemic plan, including virus control, vaccination and recovery. TW noted that Jersey had experienced a lower mortality rate in 2020 than is typical and may experience deferred mortality relating to other preventable illnesses such as cancer. • The Brexit deal had deferred many problems and that Brexit could affect the future prosperity of the Island. • Public finances would need to be rebalanced after Covid-19. The response, including the Nightingale, Contact Tracing Team and Vaccination had put pressure on finances, whilst income via taxation had dropped. There was a pressure on public finances to find a solution for sustainable health funding, including the new hospital. The Jersey Care Model required funding over and above the current system. 	

	<ul style="list-style-type: none"> • TW also highlighted the need to release land for affordable housing and a bridging plan to address land use. There is a need for increased investment in IT infrastructure. A Citizen’s Assembly will consider whether the Island should become Carbon Neutral by 2030 or 2050 and a Citizens Jury will be convened to discuss the topic of assisted dying. • TW noted that 2021 was the last full year before the general election. The pandemic had an adverse impact on delivering some election promises, putting pressure on departments to deliver outcomes. TW noted that many staff members had been redeployed to work on the pandemic effort and that a new Chief Executive would be recruited in 2021. <p>GH noted the Commission had been asked to contribute to a consultation on medically assisted dying by the Scrutiny Panel and that the paper should be shared with new Commissioners. GH noted that the Board were about to review the Commission’s Business Plan for 2021. The Commission was in the process of undertaking the deferred inspections and would continue to follow its recovery pathway in 2021.</p> <p>GH reflected on the new services that the Commission will be regulating in the future. To date, regulation has mainly focussed on children’s services. However, the remit of the Commission will expand to include additional aspects of children’s services, such as child and adolescent mental health and fostering and adoption. GH indicated that the Commission’s remit will extend to include other aspects of adult services, including mental health and acute services.</p> <p>CI enquired about pan-island collaboration. TW noted that collaboration with Guernsey, from a public service perspective, needed to be pursued.</p> <p>TW updated the Board on the role of Charlotte Littleboy whose role includes ensuring that the department conforms to good public service governance principals.</p>	
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7.	AOB, Date of next meeting and forward look	
	<p>GH advised that:</p> <ul style="list-style-type: none"> • The next meeting is on 17 March 2021. • It was likely due to travel restrictions that the March and possibly the May meeting would need to be virtual. GH noted that it was important to introduce the Regulation Officers to the new Commissioners. 	

JERSEY CARE COMMISSION

Action Points

	Action Point	Status
P1	To investigate legal services for the Commission to take forward to the Board in January. (Revised to March 2021)	
P2	To complete a specification for a complaints reviewer and agree a benchmarked daily rate.	
P3	To develop an action plan for the cleansing of the medical practitioner register for the March Board Meeting.	
P4	The draft 2021 Business Plan to be revised and brought to March Board for approval.	
P5	The Risk Framework to be revised to incorporate the changes proposed at January Board.	
P6	Consultation with JPH, SPPP and Treasury to be progressed regarding the proposal to lease office accommodation for the Commission.	
P7	To complete a budget build for 2021-2023.	