

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date & time:	Wednesday 17 March 2021 9:15am – 14:15 pm	
Meeting location:	Virtual (via MS Teams)	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Alison Allam (AAI) 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 Bradley Chambers Linzi Mudge (for item 1) David Luscombe (for item 1) Alli Tandy (for item 1) Fiona McLaughlin (for item 1) Lesley Callander (for item 1) Mandy Bates (for item 1) Charlotte Littleboy (CB) (for item 6) Yemi Adekunle (YA) (for item 7) Francesca Bihet (FB)	Chief Inspector (CI) Head of Governance, Policy and Standards (HGPS) Regulation Officer Regulation Officer Regulation Officer Regulation Officer Regulation Officer Executive Assistant Head of Governance, Strategic Policy, Performance and Population; Finance Business Partner, Treasury Meeting Minute Taker
Apologies:	None	

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Draft Minutes from Board 13 January 2021 3. Chair's Report – March 2021 4. Chief Inspector's Report – March 2021 <ol style="list-style-type: none"> 4.1 Overview Report – Children's Care Home Services 5.1 Integrated Risk Register 5.2 Annual Report and Accounts 2020 5.3 Monitoring Return SPPP (December 2020) 5.4 Budget Build 2021 5.5 Business Plan 2021/22 5.6 Review of Complaints Policies and Leaflet 5.7 Budget Summary
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PART A – PUBLIC SESSION

1.	<p>Welcome Introduction and Declarations of Interest.</p> <ul style="list-style-type: none"> Engagement – Team members and Commissioners 	
	<p>GH welcomed everyone to the meeting.</p> <p>The Regulation Officers, team and Commissioners introduced themselves, providing a brief introduction of their experience and current job roles.</p> <p>The Team reflected upon the last twelve months of work at the JCC, during the pandemic. A structured conversation was held around six key questions:</p> <ul style="list-style-type: none"> What has it been like for you working through lockdown? What impact has Covid-19 had on contact with people who use services and the wider public? What lessons have we learned about the impact of Covid-19 on regulated activities? What lessons have we learned about the impact of Covid-19 on the Commission? Looking back, what worked well for us and what should we have done differently? What will the 'new normal' look like in the post pandemic era? <p>GH confirmed that a summary of the points of discussion will be made and circulated separately to all participants.</p>	
2.	<p>Minutes of last meeting and Matters Arising</p>	
	<p>It was noted that there were no changes to the Commissioner's Declaration of Interests.</p> <p>The minutes of the meeting of 13 January (document 2) were agreed as an accurate record. SW proposed and LJ seconded the minutes.</p> <p>The Commissioner's agreed that the Minute Summary was an accurate reflection.</p> <p>Commissioners reviewed the action points arising from the previous Board meeting:</p> <ul style="list-style-type: none"> Actions P4, P5 and P7 are agenda items. Action P1. The HGPS had initially consulted with the Law Officers' Department and had sought information from the Children's Commissioner. HGPS confirmed that, following this advice, he had approached three legal firms and an independent Advocate. Wendy Lambert at BCR law has been providing legal advice and support in respect of the proposed Heads of Terms for alternative office accommodation. Action P1 was closed. Action P2. The HGPS confirmed that BDO was the JCC's independent complaints reviewer. The HGPS noted that SPPP had provided a commitment 	

	<p>to support with sourcing additional or alternative arrangements, if required. Action P2 was closed.</p> <ul style="list-style-type: none"> • Action P3. CI updated the Board on cleansing the Medical Practitioner’s register. CI confirmed that there was a legal process to follow to undertake this work. This project would require significant input from the Law Officers’ Department, extra administrative support, and designated project management resources. The Chair requested that a further update be provided at the May Board. • Action P6 regarding office accommodation was to be discussed in the confidential section of the Board Meeting. 	
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3.	Chair’s Report	
	<p>GH presented the Chair’s Report (document 3) and highlighted that:</p> <ul style="list-style-type: none"> • A meeting with SPPP was scheduled for 18 March 2021. • A copy of the budget build had been sent to Tom Walker (TW), (Director General, SPPP), and there had been further meetings to provide additional information for the draft budget. • There would be a further update on office accommodation in the confidential session. • GH advised that the fieldwork for the Advisory Audit had been completed and a report of the findings and recommendations would be presented at the May Board. • GH wished to commit to an additional virtual discussion in April with the Team to discuss the impact of Covid-19. SW agreed that regular contact with the team was important. 	

4.	Chief Inspector (CI) Update	
	<p>CI presented a written report (document 4) and highlighted the following:</p> <ul style="list-style-type: none"> • There had been a significant number of site visits and pre-registration visits since the January Board meeting. • There had been no new amendments to The Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018, but the current emergency Covid-related amendments were due to expire on 30 April. CI proposed that the Regulations should be suspended, rather than repealed, due to the uncertainty of the pandemic. • Inspection activity has returned to business as usual although most inspections continue to be announced. The regulation officers had made a concerted effort 	

to catch up on delayed inspections. There are now 70 inspection reports on the website. The Commissioners commended the efforts of the Team.

- The Team is reviewing the registrations of 32 Individual Care Workers (ICW). Whilst there is no legal remit to inspect these services, the Team would aim to review registrations and gain an assurance of the ICWs' fitness to practice. Regulation Officers will contact ICWs and update their files. CI noted the risks of not being able to inspect ICWs and suggested it was important to provide them with guidance for best practice and annual updates. CI noted that by being registered, ICWs would be able to access funding from the Long-Term Care Scheme and highlighted that this section of the Commission's risk register will be kept under review. CI expressed concern that there might be individuals who are not registered as ICWs, yet still practising in this role. GH recognised the potential safeguarding risks to service users and to the reputation of JCC as a regulator. GH highlighted the need to be pro-active in promoting best practice by reaching out to any unregistered ICWs. AP expressed concern about any potential gaps in the regulation of ICWs. CI confirmed that a project is underway to identify and address any such gaps. CI will provide a further update regarding ICWs in September.
- There had been a meeting with Mark Rogers (Director General - Children, Young People, Education & Skills) and Mark Owers (Director of Safeguarding and Care), regarding the regulation of statutory children's services. There were opportunities to discuss the development of future policies and Standards. A new Regulation Officer will be recruited who has specific experience in relation to children's services. In addition, two young people have recently secured placements at Silkteen at Hope House, which is Jersey's only care home for children and young people, carried on by a charitable organisation.
- The JCC has received independent legal advice in relation to two matters. An appeal made to the Royal Court by the Health Minister regarding a decision of the JCC in respect of a care home registration. Independent legal advice had also been sought regarding the sourcing of alternative office accommodation.
- The process of renewals for Piercing and Tattooing had been delayed. The sector has been severely impacted by the pandemic, and some of these businesses have since closed. Consequently, contacting this sector continues to be difficult.

CI presented the Children's Care Home Services Overview Report (document 4.1) and highlighted the following:

- The report was a summary of the existing inspection reports. There were several common themes emerging such as recruitment records and safe recruitment practices, staffing in relation to needs of individuals in the homes, and notifications of children going missing. CI noted that unpredictable or lengthy periods of children going missing represents an ongoing concern.

<ul style="list-style-type: none"> • CI noted that there was a legal requirement for an independent person to visit the children’s homes and produce monthly reports. CI expressed concern about the quality of these reports, especially in relation to the depth of their analysis. There had also been limited footfall in the homes during the pandemic due to travel restrictions. SW wished to know whether alternative arrangements are in place, given the difficulties associated with the independent visitor being unable to come to Jersey. JH wished to see a more robust process for the role of the independent visitor. CI scrutinised the reports and had significant concerns about the arrangement. CI had highlighted this with Children’s Services and anticipates a response by 31 March. • In 2020 the Independent Children’s Home Association (ICHA) had prepared a report on Children’s Homes in Jersey, with a set of findings and recommendations. SW asked if the Commission could have sight of the ICHA report. The CI agreed to request a copy. • SW agreed to email comments pertaining to the draft Overview Report to CI. • GH reflected that this was an important publication as the Commission’s first overview report of inspection activity and advised that a press release would be appropriate. GH expressed particular concerns about children going missing frequently and the effectiveness of the role of the independent visitor. GH proposed the need to strengthen the recommendations and to call on the Government to respond. • CI noted that these concerns had been included in individual inspection reports and improvement plans. • LJ recommended that the report captured the voice of young care receivers more effectively. AP highlighted the importance of speaking to children and families and listening to their responses. She advised that listening was an important message to highlight in the report. CI expressed appreciation of the constructive feedback.

<p>5. Head of Governance, Policy and Standards (HGPS) update</p>
<p>HGPS presented the Risk Register (document 5.1) and advised that:</p> <ul style="list-style-type: none"> • Risk 1 regarding the integrity of the Team. The recruitment of the new Regulation Officer had been delayed and the interviews did not take place on 15th March due to unforeseen circumstances. As FB is leaving the service, there was a need to recruit a new administrator. HGPS is working with People Hub to recruit candidates from the waiting lists. There may be a three-month gap in filling the vacancy, requiring temporary agency cover. This presents training challenges and IT challenges with remote working. HGPS acknowledged that too much of the administrative responsibility resided with the one remaining staff member. There will be additional administrative

resources needed for digitising the paper archive and cleansing the medical practitioner register.

- HGPS proposed that risk 3 and 4 were closed. The Commissioners agreed.
- Risk 5 – Government of Jersey services have mostly completed their registrations, with one other nearing completion and a care setting service seeking to register as a home care provider. CI confirmed that the home care service related to an individual receiving care in an unsuitable environment. The Government of Jersey is now pursuing long-term accommodation solutions for this individual. AP expressed concern about the definition of this activity and whether a shift from care home to home care was appropriate. CI noted that the unsuitable site should no longer be in use from July. GH proposed that in taking account of the actions to date and the proposed resolution of the remaining components, this risk could be closed.
- Risk 6 - GH identified an emerging risk in respect of ICWs that may be unregistered and therefore operating illegally. GH expressed concern about the strength of legislation to provide assurance that these services are safe. The team expressed concern about the lack of scrutiny of ICWs. The team identified the need to review ICWs annually and have a more robust registration process. HGPS recommended that the scoring was revised to increase this risk to amber.
- HGPS highlighted the need for further IT resources to assist with the annual renewal process, especially considering the new professional registration law coming into place. Renewals need to be processed with a significant amount of admin input and there is no funding to develop and implement an electronic registration system before the new registration law comes into place, creating a risk that registrations will need to be undertaken manually.
- Risk 9 - Whilst better information had been received from Treasury, there is a risk that the JCC cannot create a three-year financial plan. The JCC has limited budgetary autonomy. GH highlighted by way of mitigation, the ongoing productive conversations with SPPP and Treasury resulting in a Budget Build for 2021.
- Risk 10 - HGPS acknowledged that team morale has been adversely impacted by the pandemic. Members recognised the impact of the pandemic for Team members and agreed that further work could be undertaken to support staff in the workplace.
- SW suggested that the Government of Jersey needs to include the JCC within its emergency planning arrangements. GH acknowledged the contribution which JCC could make to the Government's emergency planning arrangements but recommended a cautious and balanced approach, taking into consideration the boundaries of the JCC's role.

- Risk 11 – members noted the on-going risk regarding an unregulated Government of Jersey service which is not currently registered.

HGPS presented the Monitoring Return SPPP (document 5.3) and advised that:

- The Framework Agreement, which the Commission has with Government, requires that six-monthly reports be submitted to SPPP. The JCC will continue to provide these reports in the immediate future. The document replicates some of the information which is contained within the JCC's annual report.
- Commissioners agreed that the report did not need to be considered at Board level and can be dealt with at operational level in the future.

HGPS presented the Annual Report and Accounts 2020 (document 5.2) and advised that:

- Despite a challenging year, the Commission has not only remained intact and functioning, but has achieved much of what it set out to do.
- This was the JCC's second annual report. It requires enhancement in the form of infographics and more qualitative information (including comments and quotes from stakeholders). HGPS is in the process of sourcing both.
- GH highlighted that the HGPS had considered the guidance from the Comptroller and Auditor General's Think Piece in completing the draft annual report.
- SW complemented the style of the report but asked that the length of the report be reduced. She agreed to forward comments to HGPS.
- HGPS welcomed feedback from the Board to assist in finalising the document which will be presented for approval at the May Board.

The HGPS presented the Budget Build 2021 (document 5.4) and advised that:

- This was submitted to TW in February 2021.
- Additional posts are required including one full-time Regulation Officer and one full-time project manager at Civil Service Grade 12. SPPP agreed to share sample job descriptions for programme managers with HGPS. There is an identified need to recruit a full-time administrative assistant for a six-month period. NK suggested budgeting for a mid-point salary and including employer costs, such as pension contributions. NK noted that such extra costs could be significant.
- The cost associated with sourcing professional expertise from Ofsted is likely to be capped at £25k, otherwise a tendering process will need to be undertaken to ensure value for money.

- Costs associated with the Board had been significantly lower in 2020 than in the previous year, attributable to remote working for a significant period of the year. CI and HGPS advised that this and every other aspect of the Commission's budget was subject to scrutiny.
- HGPS advised that the budget associated with the Professional Registration Law should be considered as standalone and the proposed spend be removed from the budget build document.
- A quote for removal costs needs to be sourced if the proposed move of offices materialises.
- HGPS advised that although estimated budgets for 2022 and 2023 were included in the document, these figures are unlikely to be definitive owing to limited data.
- GH noted that there needed to be a comprehensive budget plan, especially regarding accommodation costs.
- CI highlighted that the budget for legal advice would be exceeded soon. GH advised that Treasury be notified accordingly.

HGPS presented the Business Plan 2021/22 (document 5.5) and advised that:

- The statements relating to the purpose of the Care Commission remain unchanged.
- Strategic priorities have been significantly amended and are more measurable. There is a need to devise additional key performance indicators (KPI's).
- GH acknowledged the contribution from Commissioners in respect of the preparation of the Business Plan.
- SW felt that some 'Business as Usual' elements could be removed. SW agreed to correspond with GH in respect of operational items.

HGPS presented the Review of Complaints Policies and Leaflet (document 5.6) and advised that:

- HGPS advised that the two existing policies and associated leaflet could remain unchanged because they are serving the needs of the Commission currently. GH highlighted that these policies had received robust consideration in the past and Commissioners were content for both policies to remain unchanged.
- There is currently no designated process for investigating complaints about registered professionals. GH noted that although in most instances, complaints would be escalated to professional bodies, such as the NMC or GMC as necessary, the JCC retained a responsibility for those registered. NK advised

	<p>that there were opportunities to link in with employers of registered professionals to ensure complaints are notified to the JCC and to other professional regulatory bodies. NK noted that such complaints should be employer-led and must be escalated when there were concerns relating to professional competence.</p> <ul style="list-style-type: none"> • GH noted the need for clarity about the JCC’s responsibilities regarding complaints about registered professionals. GH explained that further exploratory work is needed in this regard. The JCC has limited means of conducting such investigations independently. In general, these investigations are conducted by UK-based professional regulatory bodies. • NK noted the importance of employer checks with professional bodies. • CI advised that during the annual renewal process, registrations with professional bodies were checked. It is the CI’s expectation that employers conduct their own checks relating to the conduct of employees. CI noted that there had been instances of professionals employed in Jersey who lacked both JCC and NMC registration. Although the JCC should be notified about any professional concerns, few referrals relating to professional practice have been alerted to the Commission. • GH highlighted the requirement for a policy with procedures or guidelines to be developed regarding complaints about registered professionals. <p>The Budget Report for month 2 was tabled as an agenda item. This item was not discussed in the meeting and was taken as read on the understanding that a comprehensive discussion of the budget and forecast will be tabled at the May Board meeting.</p>	
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6.	Charlotte Littleboy, Head of Governance, Strategic Policy, Planning and Performance	
	<p>GH welcomed CL to the meeting. CL introduced herself to the Commissioners. CL explained that her role is to act as a bridge between central government and the JCC. She would be working on supporting the extension of Regulations and representing the Commission’s interests. CL explained that she hoped to gain a better understanding of the JCC’s work. She noted that the vaccine decision panel would be reviewing applications in phase two for priority groups.</p>	

7.	Yemi Adekunle, Finance Business Partner, Treasury • Annual Accounts	
	<p>GH welcomed YA to the meeting. YA provided an overview of the Commission’s financial performance in 2020. He advised the year end outturn (as at December 2020) had been an underspend of £26,000. The Commission’s budget from fee income, had been £317,000, and that income had been underachieved by £31,000.</p>	

	<p>There had been savings on total expenditure, including staffing, supplies, and services. This was mainly due to one Regulation Officer being seconded to CYPES during the height of the pandemic.</p> <p>The underspend cannot be carried forward. The Commission's budget is audited as part of the Government's consolidated accounts. The external audit is ongoing and may be signed off by 31 March. The Commission's expenditure is beneath the threshold for materiality for special consideration by auditors. YA was confident of the internal controls and accuracy and confirmed that the 26k underspend was not a problem from an auditing perspective.</p> <p>SW noted that the underspend could have been utilised in year, had this been identified sooner. YA advised that the underspend had only become apparent towards the end of the financial year and noted that for most of the year, an overspend was forecast.</p> <p>GH highlighted the need to be open and transparent about income and expenditure, even if, by whole of Government standards, the amounts are small.</p> <p>AP highlighted that when margins are tight, any amount of money matters. AP highlighted that the JCC needs to be funded correctly, including for accommodation and IT infrastructure.</p> <p>JH noted that it was important for providers to understand how the regulator is funded and how fee income is applied.</p> <p>YA noted the budgeting process had room for improvement, especially regarding forecasting. He explained that in future, budget build would take into consideration activities and discussions with the service areas, with more forward planning.</p> <p>JCC is forecasting an overspend of £63k for 2021, taking account of all known lines of expenditure, including rental and other costs for office accommodation. YA highlighted that the JCC was reliant on a financial agreement with SPPP for sourcing additional funding to bridge gaps between funded and unfunded costs.</p> <p>GH highlighted the distinction between unfunded planned expenditure and unplanned overspends. GH thanked YA for his support with finances and was comfortable about the assurance of figures from SPPP.</p>	
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8.	AOB, Date of next meeting and forward look	
	None	

JERSEY CARE COMMISSION

Action Points

	Action Point	Status
P1	Implement an action plan for the cleansing of the medical practitioner register and to provide an update at the May Board Meeting.	
P2	A paper to be submitted to the September Board about ICWs and the review of the registration process.	
P3	Investigate the JCC's legal position and prepare a policy and procedure for investigating concerns and complaints about registered professionals.	
P4	The report of the Advisory Audit to be presented at the May Board.	