

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date & time:	Wednesday 12 May 2021 9:30 am – 13:05 pm	
Meeting location:	Microsoft Teams Meeting	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Alison Allam (AA) Angela Parry (AP) Jackie Hall (JH) Lisa Jacobs (LJ) Noreen Kent (NK) Siân Walker-McAllister (SW)	Commissioner Commissioner Commissioner Commissioner Commissioner Commissioner
Attendees:	Audrey Murphy Bradley Chambers Rosie Fraser Mandy Bates (MB)	Chief Inspector (CI) Head of Governance, Policy and Standards (HGPS) Internal Audit Manager (for Item 11) Meeting Minute Taker
Apologies:	None	

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Register of Board Member's interests 3. Draft Minutes from Board 17 March 2021 4. Chair's Report 5. Chief Inspector Report 6. Fee Income Overview Report 7. Integrated Risk Register 8. Draft Annual Report and Accounts 2020 9. Budget Summary (month 4, April 2021) 10. Paper on investigating complaints and concerns about registered professionals 11. Draft Internal Advisory Review
----------------------	---

PART A – PUBLIC SESSION

1.	Welcome Introduction and Declarations of Interest.	
	The Chair welcomed everyone to the meeting.	
2.	Minutes of last meeting and Matters Arising	
	<p>Noting the Register of Board Member interests (document 2):</p> <ul style="list-style-type: none"> • SW provided amendments to the register. • NK is currently working as a temporary Covid vaccinator. • AA has joined the Professional Records Standard Body (PRSB) as an Associate. <p>The minutes of the meeting of 17 March (document 3) were agreed as an accurate record. SW proposed and AP seconded the minutes.</p> <p>Commissioners reviewed the action points arising from the previous Board meeting:</p> <ul style="list-style-type: none"> • Actions P3 and P4 are agenda items. • Action P1. CI advised that the Department for Strategic Policy, Planning and Performance (SPPP) has agreed the provision of administrative resources to complete the cleansing of the medical practitioners' register. The current temporary staff member's contract will be extended accordingly. This action is ongoing. • Action P2. CI advised that the project to review the registration process for Individual Care Workers (ICWs) has begun. Some registered ICWs are no longer working in this capacity and will be removed from the register. This action is ongoing. <p>Commissioner's agreed that the Minute Summary was an accurate reflection with the following amendments:</p> <ul style="list-style-type: none"> • Page 2, bullet point three, the word 'practice' should be 'practise'. • Section 4.1, second paragraph, should read 'The report is...' <p>LJ proposed and NK seconded the minute summary.</p>	
3.	Chair's Report	
	<p>The Chair presented a Report (document 4) and highlighted that:</p> <ul style="list-style-type: none"> • A summary of the key points from the team engagement event on 21 April has been circulated. • Further engagement is planned for September, subject to travel restrictions easing, with Commissioners pairing with Team Members to visit regulated services. • The Chair attended a quarterly governance meeting with SPPP on 18 March and a minute had been previously circulated to Commissioners. The budget, including the costs of the proposed lease and associated moving costs, was discussed. 	

	<ul style="list-style-type: none"> • The Chair and Chief Inspector had attended a video meeting with Deborah McMillan, the Children’s Commissioner (CC), and with Sarah Elliott, Chair of the Safeguarding Partnership Board (SPB) on 29 March regarding the Government of Jersey’s (GoJ) approach to safeguarding the rights of children, particularly Looked After Children. • The Chair had attended a video meeting with the independent advisors regarding a review of maternity services arranged by the Health and Social Security Scrutiny Committee. Since the meeting, Paul O’Connor, an independent adviser has been in contact advising that he will recommend that the Commission is to be consulted regarding the creation of a framework for maternity services. GH advised that the Commission could draw on the relevant experience of NK in relation to her previous role in oversight and co-ordination of the UK Strategy ‘Midwifery 2020: Delivering Expectations’. • The ‘think piece’ on assisted dying, prepared by the Commission in 2019 has, on request, been shared with the Jersey Assisted Dying Citizens Panel. • The Chair congratulated LJ who has obtained a full-time appointment in a new role and will be leaving the Commission at the end of August. The July Board will be LJ’s final meeting. A plan is in place to recruit an island-based Commissioner as a replacement with interviews taking place in July 2021. • Appraisals for the three Commissioners who were in post throughout 2020 have been completed, and the Chair will contact the Commissioners appointed at the beginning of 2021 to discuss objective setting. 	
--	---	--

4.	Chief Inspector (CI) Update	
	<p>CI presented a written report (document 5) and highlighted the following:</p> <ul style="list-style-type: none"> • CI had attended the first meeting of a new Regulators Forum. The Forum will continue to meet on a quarterly basis. • Following the expiration of the five-year exemption in the Dentistry (Jersey) Law 2015, there has been an increase in dental nurse registration applications. A letter has been sent to all dental practices, reminding nurses of the requirement to register. • SPPP Policy Officer, Francis Walker (FW), has advised that the new Professional Registration (Jersey) Law will come into force in 2023. A web-based portal needs to be created to facilitate the anticipated increase in applications for registration. • Although administrative capacity is available to enable the cleansing of the medical practitioners register, this process will not be completed until the end of October 2021. It is noted that, meantime, some medical practitioners who remain on the local register are no longer likely to be registered with the GMC. • A new Regulation Officer has been appointed who will have responsibility for drafting new Standards for children’s services. HGPS has commenced this work in the meantime. FW has provided a recent update to the Commission on the proposed new Regulations: there are nine new areas which the Commission will regulate, and Standards must be developed in respect of each. The new Regulations are likely to be available for public consultation in July 2021. 	

The Chair asked that the proposed new Regulations for children's services be added to the Forward Look to be discussed in July and again in September 2021 (Action P3).

CI continued:

- The Regulation of Care (Standards and Requirements) (Jersey) Regulations 2020 have been suspended. These Covid related regulations are scheduled to be reviewed at the end of October and may be reactivated as required.
- Inspections are continuing, and the team has increased the number of unannounced inspections.
- The Team is reviewing the registrations of Individual Care Workers (ICWs) following concerns raised by the Board regarding the Commission having sufficient oversight in this area. The Team has been checking the qualifications of ICW's, ensuring that updated Disclosure and Barring Service (DBS) checks are in place. Some individual care workers have voluntarily cancelled their registrations and the Commission may need to cancel the registrations of others, who are unlikely to be able to meet the necessary conditions of registration. CI will update the Board on progress in July 2021.
- There was media coverage of the Overview Report – Children's Care Home Services 2020, published on 16 April. Additionally, the Commission has since escalated further concerns relating to children missing from care.

The Commission wishes to record its appreciation of the Overview Report. The Chair considered that the media attention was significant and has helped to raise the profile of the Commission.

CI continued:

- The Review of Children's Homes in Jersey conducted by the Independent Children's Home Association (ICHA), has now been published. The Children's Commissioner has advised that her team is meeting to consider the report, and CI is meeting with Mark Rogers (MR), Director of Children's Services and Mark Owers (MO), the Director of Safeguarding and Care, on Monday 17 May.

During discussion the following issues were noted:

- Recommendations regarding the Secure Children's Home service; the Commission is advised that this service is undergoing a planned transformation, with a view to it becoming a resource centre.
- ICHA identified areas of concern: turnover of staff in Children's Services (CS); lack of supervision and appraisal of staff; the practice of sourcing staff from other children's homes when the secure unit requires an increase in staffing, and the practice of some managers being required to manage several homes simultaneously,
- The delay in publishing the report.
- The Report references the inspection methodology currently applied by Ofsted. Commissioners agreed it would be useful to understand how the Commission's inspection model compares with Ofsted's approach.

CI continued with her report:

- It may be possible for the July meeting of the Board to take place in Jersey, but much will depend upon developments relating to Covid-19 and the easing of travel restrictions.
- An Appeal to the Royal Court with regard to the Commission's registration of a regulated activity, has been fully resolved, following the sourcing of independent legal advice.
- In respect of a company which provides a regulated activity: Commission noted it is in liquidation and the provider has not paid the annual fee. Escalation and enforcement activity may conclude with the cancellation of the registration of this service.
- In respect of an inspection report for a large residential care provider, where some concerns were noted, these have since been appropriately escalated.
- Renewals of the registrations of Piercing and Tattooing premises and practitioners continues and a further update will be provided to July Board.
- CI contacted the Jersey Office of the Information Commissioner (JOIC) for advice in respect of two separate potential data breaches. One matter is resolved and the other remains open.
- Recently, several home care providers have made applications for registration for the first time. The introduction of the Jersey Care Model is likely to lead to other community-based services making applications for registration.

The Chair asked about inspections of adult day care services. CI advised that some of these services had been disrupted during the height of the Covid pandemic, but inspections have now commenced. CI also noted that pre-inspection visits to these services had taken place in late 2019 / early 2020.

A wider discussion took place regarding the merits of community-based day care provision in Jersey. HGPS advised that he has expressed concerns to relevant managers in GoJ, regarding the absence of an explicit strategy in respect to day care services in the Jersey Care Model.

SW raised the issue of social prescribing by GP's and of the implications this has for the Commission. LJ advised there are limited services for people with profound or severe learning disabilities.

The Chair proposed that Commissioners should visit adult day care services in September, to find out more about the Jersey Care Model and how it will promote greater choice and flexibility for people who use services, including the provision of community-based alternatives to residential care.

CI continued:

- All 17 GoJ services are now regulated (nine care homes, five day care centres, and three home care services). Four services have now been inspected. The first inspection prompted an escalation, which was resolved swiftly and to the Team's satisfaction.

4.1	<p>CI presented a Fee Income Overview Report (document 6) and highlighted the following:</p> <ul style="list-style-type: none"> • SPPP will be undertaking a fee review for all arms-length bodies. Currently in addition to fees charged under the Regulation of Care Law, fees are charged for the registration of: Piercing and Tattooing premises and practitioners; laser premises; Yellow Fever Vaccination Centres; dental care professionals and medical practitioners. • There is currently no fee structure for the registration of a health care professionals despite these registrations and renewals constituting a sizeable part of the Commission’s function. It is likely that a new fee structure will be introduced for all relevant occupations when the Professional Registration Law is introduced. • The Chair reminded the Board that TW had advised that fee income may need to increase from 2022 onwards, should additional funding from GoJ not be made available to cover all operating costs. • GH noted that it is unlikely that the Commission will be in a position where it can meet total expenditure requirements through fee income alone. • GH advised that a meeting had been arranged with the interim Chief Executive, Paul Martin, and the Commission’s operating costs may form part of the discussion. • AP noted that the lack of clarity relating to the Commission’s annual budget, giving rise to unpredictable variances at year end, which is reputationally problematic. 	
-----	---	--

5.	Head of Governance, Policy and Standards (HGPS) update	
	<p>HGPS advised that:</p> <ul style="list-style-type: none"> • On 27th April, he met with two representatives of the NMC, at their request, Colette Howarth, Intelligence Sharing Officer, and Jaina Patel. They sought a clearer understanding of the role of the JCC and whether there was scope for working together in situations where a fitness to practise issue arises. It was a positive meeting, and the two organisations will maintain an open dialogue. Data sharing protocols were discussed, and the limits associated with the powers of the JCC. • The Commission’s policy and procedures for professional registration are due for review. The Commission operates four such procedures which are available on the Commission’s website. These relate to dental care professionals and to each of three laws: the Health Care (Registration) (Jersey) Law 1995, the Piercing and Tattooing (Jersey Law) 2002 and the Regulation of Care (Jersey) Law 2014. In general, the procedures are working well and there is no need to redraft them, however, various minor changes have been identified. CI and HGPS intend to conclude this review by the end of May. HGPS recommends that this becomes a delegated matter, rather than one requiring Board oversight or approval, and the Board agreed. • Nine activities associated with statutory children’s services will become regulated once new Regulations are passed by the States Assembly. These Regulations are currently in draft form and are in the pre-consultation stage. Thereafter there will be a three-month public consultation period. At this stage 	

the Regulations will be brought to the Board and legal advice will be sourced. Standards must be developed in respect of each set of Regulations. The new RO will have a role in drafting the Standards, and HGPS has commenced this work.

The nine areas of additional regulatory activity are:

- adoption services;
- fostering services;
- social work services for children and young people
- independent monitoring and review of children’s safeguarding arrangements;
- child contact centres;
- residential family centres;
- children and young peoples’ mental health services;
- care services in special schools; and
- children and family community nursing services.

The Chair proposed that Commissioners be involved in the drafting of the Standards, and asked HGPS to post working drafts to Egress for comment when available. All Standards will require formal sign off by the Board when complete.

HGPS continued:

- A commercial company has been commissioned to undertake transforming of the paper archive into a virtual archive. This work has commenced and is scheduled to take several weeks to conclude. Upon conclusion, the Commission will have a much-reduced paper archive which can be processed according to the Commission’s Data Retention and Disposal Policy.

5.1 HGPS presented the updated risk register (document 7). He noted that the document has been redesigned following advice received from the GoJ’s Head of Risk. The format now mirrors that used by the Care Quality Commission (CQC). The register more adequately clarifies the nature of individual risks, how the risk is manifested, how it might be controlled and the residual risk score following the implementation of controls.

The Board reviewed the amber risks as follows:

- Risk 2, regarding office accommodation. Action is in the process of being taken, to mitigate this risk.
- Risk 4 remains amber, which relates to the need for additional administrative resources assigned to the processing of professional registration renewals for the last three months of each year. As there is no immediate means of mitigation, the risk remains unchanged.

The Chair advised that where the Commission cannot mitigate a risk without the intervention of GoJ, and the likelihood associated with the risk remains red, that there is a need to escalate this with SPPP.

CI advised that she has spoken to the senior business analyst regarding the portal that would be required under the new Professional Registration Law. The Chair

	<p>asked that a short paper be prepared for the next meeting detailing the operational risk, and explaining the resources needed to complete this work (Action P4).</p> <p>HGPS continued:</p> <ul style="list-style-type: none"> • Risk 6, in relation to the three-year financial plan, remains red. HGPS advised that the current arrangements associated with GoJ systems preclude the possibility of formulating an accurate financial projection over a three-year period. <p>The Chair requested that the Forward Look be updated to include both the 2022 and 2023 budget build projections at the November Board. The Commission will request that GoJ provide an undertaking that the requirements relating to all planned expenditure be met.</p> <p>The Chair noted that the risk register was significantly improved and thanked HGPS for his work.</p>	
5.2	<p>HGPS presented the Draft Annual Report and Accounts for 2020 (document 8) and advised that it should be regarded as final, excepting issues relating to spelling, grammar, format, and layout.</p> <ul style="list-style-type: none"> • NK advised that the word 'practise' is misspelled in the annual report. • GH advised he had re-written the foreword to reflect the challenges faced by the care sector throughout the height of the pandemic. <p>The Chair asked if the Board was content that: the report be amended as agreed; a print run of 50-60 be made, and the report be sent to TW prior to being laid before the States Assembly. The Board indicated its consent.</p> <p>A news release will be issued once the report is published.</p>	
5.3	<p>HGPS presented the Budget Summary (April 2021) (document 9), Yemi Adekunle (Treasury) (YA) has provided the following updates:</p> <ol style="list-style-type: none"> 1. The Commission is in an underspent position at month 4 (April). 2. Expenditure is slightly higher in 2021 in comparison with this point last year. 3. The Commission is on course to meet all its income projections for 2021. 4. There is a forecast year end overspend of £50,000. This relates mainly to the projected costs associated with the lease of new premises. It is unlikely that the actual year end position will materialise as forecast, due to the postponement in the proposed relocation (which is unlikely to take place prior to Q4 2021). <p>HGPS was asked to clarify the format of the report as there appears to be an error in how income and expenditure is expressed. HGPS agreed to follow this up with YA.</p>	
5.4	<p>HGPS presented a paper (document 10) regarding investigating complaints and concerns about registered professionals. He advised that the powers and</p>	

<p>responsibilities which the Commission possesses in respect of each of the registered professions and practitioners is varied.</p> <p>The paper is set out in two parts.</p> <p>Part A identifies the legislation in which registration is stipulated and each of the roles registrable under the respective legislation. The commentary provides a summary of legislative gaps and potential risks which the Commission needs to manage.</p> <p>Part B sets out the steps which the Commission will take if a concern or complaint is received relating to a health care professional, or other registered practitioner.</p> <p>HGPS asked the Board to note the specific risks and issues relating to chiropractors, clinical psychologists, and psychotherapists.</p> <ul style="list-style-type: none"> • CI advised that clinical psychologists must be registered with the Health and Care Professions Council (HCPC) and chiropractors must be registered with the General Chiropractic Council (GCC) in the UK. Psychotherapists do not have an equivalent statutory body with which they must register in the UK. Instead, there are eight accredited bodies with whom they may register. <p>The Health Care (Registration) (Jersey) Law 1995 does not require these particular professions to register with the UK regulatory body, or any of the accredited bodies, although the Care Commission does request evidence that UK registration is in place, in order to register these professions to practise in Jersey.</p> <ul style="list-style-type: none"> • CI also advised that psychotherapists will potentially not be included in the new Professional Registration Law. • The Chair asked the Board to review the steps in part B and comment if there were any significant omissions. NK advised that the approach appears sensible and rational and covers everything that the Commission should investigate or refer on to another appropriate body.
--

<p>6. Rosie Fraser – Advisory Review</p>
<p>GH welcomed RF to the meeting.</p> <p>HGPS advised that BDO has been asked to review the Commission’s governance arrangements, and that a draft report was issued in April, with nine areas for improvement. The Commission has issued a response (document 11). Although most of the recommendations relate to areas where the Commission can make changes and improvements, there are some areas where change would need to be made in conjunction with GoJ, for example, in relation to both legal and budgeting arrangements.</p>

RF advised that where there are issues that cannot be improved by the Commission acting alone, BDO will work with Finance and Treasury, and SPPP, to agree a course of action and a timeline, and to nominate a responsible person. Once complete, the report will be formally issued, and a copy will be presented to the Risk and Audit Committee, Treasury, the Chief Executive, the Chief of Staff who attends Risk and Audit Committee and the Comptroller and Auditor General.

RF advised that the audits of this nature report by exception and therefore do not comment on good practice which is also evident.

RF outlined each of the nine recommendations:

- **Recommendation one:-** budgeting and forecasting – BDO identified a lack of communication and clarity on financial arrangements between GoJ and the Commission. It is acknowledged that the situation had improved following the appointment of a new Finance Manager. The report recommends that a financial agreement with GoJ is formalised. It further recommends that the Commission accesses training relating to the GoJ budget planning process and how budgets are allocated, especially in respect of the associated timelines and responsibilities. This could better enable the Commission to understand how to request additional funding, how such requests are considered and decided (all such requests go to an investment appraisal board and the Council of Ministers) and of how long the process takes.
- **Recommendation two:-** the Commission's reliance on GoJ services such as legal services. RF noted that there is an agreement that the Law Officers Department (LOD) would use their framework contracts to source independent advice where necessary (e.g. if there are conflicts of interest). BDO recommend that the agreement is reviewed regularly. Using LOD services may represent value for money, due to the related economies of scale. AP noted the potential conflict between the Commission's need to be independent and the Commission's need to access GoJ systems and services.
- **Recommendation three:-** the legislative restrictions associated with recruiting Commissioners. The recommendation is that the Commission continue to raise the need for an amendment to Regulation of Care (Jersey) Law to resolve this difficulty.
- **Recommendation four:-** Key Performance Indicators (KPIs). The existing KPIs relate to the delivery of client services. There is a need for additional KPIs which relate directly to the Commission's own performance. Commissioners advised that a focus on outcomes for people who use services would be of benefit.
- **Recommendation five:-** the Commission's risk register. It is suggested that HGPS liaise with the Head of Risk. The Chair advised that this has already happened and that appropriate changes have been implemented.

- **Recommendation six:-** devising additional training for Commissioners, relating to the specific context of Jersey's health and care sector and the challenges associated with this.
 - The Chair advised that he would welcome advice on any localised training available for members of arms-length bodies. RF advised that there has been a proposal to establish an arms-length body advisory board which could have a remit on training.
 - CI will lead on staff training.
 - HGPS clarified a recommendation relating to a GDPR issue. He has taken appropriate steps to separate external and internal data breaches in the data breach log. RF will separate recommendation six into two different recommendations, as the data protection recommendation is different to the training recommendation.

- **Recommendation seven:-** independent reviews of complaints made about the Commission. The Chair advised that few such complaints have been made since the Commission came into existence. Consequently, the cost of retaining a complaints reviewer might be excessive, outweighing the benefits of doing so. Instead, the Commission might be best advised to identify established providers, that can undertake this work on an ad hoc basis. RF advised that the recommendation is that a process is formalised rather than to stipulate what the most appropriate course of action might be.

- **Recommendation eight:-** the need to publish the role of the CI. The Chair advised that the decision had been made that the key points from CI job description would be inserted in the annex to the Framework Agreement when it is next reviewed.

- **Recommendation nine:-** ensuring that version control of policies is consistent: including the policy owner; the date the policy was last reviewed, and who authorised the policy. This information should be publicly available in the interests of transparency.

RF advised that the final draft is nearing completion. When the report is issued, the team will seek quarterly updates on progress from the Commission relating to each of the stated recommendations. The team will report back to the executive leadership and to the committee, in respect of whether recommendations from each of their audits are completed within designated timescales. In addition, cyclical audits of arms-length bodies are undertaken routinely.

AP asked whether input from the Commission will be requested for other audits. RF advised that the whole audit plan is discussed with heads of departments and the Commission can be included as necessary. RF recommended advising BDO of any issues relating to GoJ services, as this type of information can assist in determining where audits are required.

7.	AOB, Date of next meeting and forward look	
	<p>No other business was raised. The public session was concluded.</p> <p>Dates of forthcoming Board Meetings in 2021:</p> <ul style="list-style-type: none"> • 14 July • 15 September • 17 November 	

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.	Carried over to July
P2	A paper to be submitted to the September Board about ICWs and the review of the registration process.	Ongoing
P3	The Board to review the process of preparing for the new Regulations due to be added to the Regulation of Care (Jersey) Law 2014 in July and September.	
P4	A paper prepared for the July Board setting out the requirements to complete the renewal process.	