

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date & time:	Wednesday 14 July 2021 9:15 am – 13:20 pm	
Meeting location:	De Carteret Suite, Kingsman Executive Offices, St Helier and Microsoft Teams	
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 (via Microsoft Teams) Commissioner Commissioner Commissioner Commissioner
Attendees:	Audrey Murphy Bradley Chambers  Francis Walker (FW)  Mandy Bates (MB)	Chief Inspector (CI) Head of Governance, Policy and Standards (HGPS) Policy Principal, Strategic Policy, Planning and Performance (SPPP) (for Item 5) Meeting Minute Taker
Apologies:	None	

Documents presented:	<ol style="list-style-type: none"> <li>1. Agenda</li> <li>2. Draft Minutes from Board 12 May 2021</li> <li>3. Draft Minute Summary for Board 12 May 2021</li> <li>4. Chair's Report</li> <li>5. Chief Inspector Report</li> <li>6. Registration of Individual Care Workers – Update Report</li> <li>7. Regulation of Care (Jersey) Law 2014: Draft Regulations for social work and mental health services for children</li> <li>8. Regulation of Care (Regulated Activities) (no.2) (Jersey) Regulations 202-</li> <li>9. Draft Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations 202-</li> <li>10. Integrated Risk Register</li> <li>11. Budget Summary (month 6, June 2021)</li> <li>12. Review of Escalation, Enforcement and Review Policy</li> <li>13. Project Update: medical practitioners register</li> <li>14. Advisory Review – response and progress update</li> </ol>
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PART A – PUBLIC SESSION

1.	Welcome Introduction and Declarations of Interest.	
	The Chair welcomed everyone to the meeting. There were no new declarations of interest.	
2.	Minutes of last meeting and Matters Arising	
	<p>The minutes of the meeting of 12 May (document 2) were agreed as an accurate record with the following amendments:</p> <ul style="list-style-type: none"> <li>• Page 1, meeting location, should be Microsoft Teams Meeting</li> <li>• Page 6, item 5, the word ‘practice’ should be ‘practise’.</li> </ul> <p>With these amendments noted, LJ proposed and SW seconded the minutes.</p> <p>Commissioners reviewed the action points arising from the previous Board meeting:</p> <ul style="list-style-type: none"> <li>• Action P1 is complete and a project plan is in place.</li> <li>• Actions P2 and P4 are agenda items and can be closed.</li> <li>• Action P3 is ongoing, and progress will be reviewed at the September Board.</li> </ul> <p>Commissioners agreed that the Minute Summary (document 3) was an accurate reflection with the following amendment:</p> <ul style="list-style-type: none"> <li>• Page 2, item 4.1, removal of an unnecessary ‘a’.</li> </ul> <p>With this amendment noted, LJ proposed and SW 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"> <li>• The CI has submitted her resignation. Following a tender process, the recruitment agency Penna has been selected to lead the search for a replacement. Recruitment will begin week commencing 19 July, and interviews will be timetabled to follow the September Board meeting, provided that Panel members are available. The Jersey Appointments Commission (JAC) will be represented on the appointments Panel.</li> <li>• The Panel for the Commissioner vacancy met and agreed to extend the application period until 20 August. The JAC will oversee this appointment.</li> <li>• Paul Martin, the interim Chief Executive, Government of Jersey, met with the Chair and CI via Microsoft Teams. The meeting was positive and a follow up meeting has been scheduled on Friday 16 July.</li> <li>• A report on the Review of Maternity Services was published on 6 July, and one of the 16 recommendations, (Recommendation 8) was: <i>The Care Commission</i></li> </ul>	

	<p><i>be engaged to support the maternity system to establish a robust and measurable quality framework, with suitable resources allocated.</i></p> <ul style="list-style-type: none"> <li>• With CI, the Chair is scheduled to meet with the Minister for Health (MfH) and Minister for the Environment (MfE) on 16 July to discuss the Ethical Care Charter. They will advise both that the current Regulations do not extend to matters relating to employment.</li> <li>• A final report from the Jersey Assisted Dying Citizens' Jury is due to be published in September. The outcome of the report may help to inform any regulatory framework which would need to be developed if Assisted Dying becomes Law.</li> <li>• The Chair, CI and HSPS will meet Tom Walker (TW), Director General of SPPP with Charlotte Littleboy (CL), Head of Governance on 16 July. The discussion will include an initiative to review the current fees charged.</li> <li>• The final report from BDO, who undertook the Governance Advisory Audit, has not been received. HGPS will report on progress towards meeting the nine recommendations in the draft version as these are not expected to change.</li> <li>• The 2020 Annual Report has been published and has received media attention.</li> <li>• A letter was received from a citizen in respect of the Covid-19 vaccine.</li> <li>• The Chair and CI will meet the Children's Commissioner on 16 July.</li> </ul> <p>Commissioners responded by asking that everyone involved in the production of the Annual Report was thanked. The Chair acknowledged the contribution of the CI over the past two years and wished her well in her new role.</p> <p>The Chair also acknowledged that this would be the last meeting attended by Lisa Jacobs (LJ). He thanked her for her excellent contribution and wished her well in her new role.</p>	
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4.	Chief Inspector (CI) Update	
	<p>CI presented a written report (document 5) and highlighted the following:</p> <ul style="list-style-type: none"> <li>• This is her final report to the Commission. She thanked the Board for its support throughout her tenure.</li> <li>• CI has attended a series of key meetings. In particular, she advised that the support meetings with care service managers have been valuable, and it is recommended that they continue.</li> <li>• Tony Merren, the SPPP Business Relationship Manager, Modernisation and Digital, has advised that Commission staff will be able to use 'carecommission.je' emails as opposed to 'gov.je'. This will be of benefit to the Commission in being able to suitably demonstrate its independence.</li> <li>• The Modernisation and Digital team are in the process of identifying the necessary infrastructure required to support the new Professional Registration Law.</li> <li>• No complaints about the Commission have been received since the previous Board meeting.</li> </ul>	

- There has been a significant rise in dental nurse registrations in 2021, which reflects the ending of the exemption for registration in February. The Commission has written to all dental practices about the requirement to register.
- An internal review of registration procedures is ongoing.
- It was noted that the renewal of health care professionals takes place annually from October and is generally concluded in January. This is a demanding task, completed concurrently with the registrations of other professionals, practitioners, and premises. This year, the work will coincide with the move to new office premises and will happen when CI role is vacant.
- There are three new members of the workforce: Mark Thompson, a permanent Regulation Officer, currently undergoing induction; Tessa Cole, a temporary Administrator, and Lisa Phillips, a permanent Administrator.
- Inspections are continuing as scheduled; 18 have taken place since the last Board meeting. The qualitative follow up by HGPS in 2020 was valuable but this work will be temporarily discontinued on account of additional pressures. It was agreed that instead, an evaluation pro-forma could be designed and sent to registered activities when the inspection report was posted online.
- It has become apparent that the capacity of currently registered care homes for children and young people is insufficient to meet demand for placements in the island, consequently some children are currently being provided with accommodation in unregistered holiday lets. The Commission will escalate this matter to the Director General of Children, Young People, Education and Skills.
- Covid-19 numbers are currently rising again, and the team will follow the guidance issued regarding home working.
- The Commission has taken escalation and enforcement action since the last Board meeting:
  - the registration of a home care provider has been cancelled due to a failure to pay the annual fee.
  - Other action has been taken regarding a children's care home service, an adult day service and two adult care homes.
- There are several Piercing and Tattooing premises and practitioners who have not yet renewed their registration for 2021. These registrations are being followed up by the Team.
- The Commission is anticipating new applications to register under the requirements of the Regulation of Care Law. One, which provided a service to an individual care receiver, has closed, as the care receiver has moved elsewhere.
- The CI wrote to the Health Minister on 3 June regarding issues associated with the process of issuing Significant Restriction on Liberty (SRoL) authorisations. It is of concern that SRoLs have been authorised in people's own homes. The Law and Code of Practice provide limited direction and guidance on this. A response to the letter has not yet been received, although the Commission has been advised that a response will be issued.

Commissioners thanked CI for the report.

4.1	<p><i>Individual Care Workers – Update</i></p> <ul style="list-style-type: none"> <li>• CI advised that Jersey appears to be unique as a jurisdiction in requiring individual care workers to register when care is provided for reward. The register had included 35 individuals who have been registered since 2019. Regulation Offices have concluded a review of the registrations. The Commission has enhanced its monitoring arrangements relating to this group and requires updated evidence of individual care workers’ training. Some registrants have requested removal from the register. Three individuals have not provided a response, and this has led to escalation action. The review will be an annual event going forward.</li> </ul> <p>Commissioners thanked the Team for its work in this regard and were satisfied that sufficient work has been undertaken to ensure that the register of home care workers has been updated.</p>	
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<b>5.</b>	<b>Francis Walker – Legislative amendments and consultation</b>	
	<p>GH welcomed FW to the meeting.</p> <p>FW presented an overview of the impact of the new Regulations under the Regulation of Care (Jersey) Law 2014. Commissioners discussed each of the areas presented, provided feedback, and noted the forthcoming formal consultation.</p> <p>It was acknowledged that there would be some challenges in the drafting of appropriate Standards relating to the new Regulations, and the Board identified the need for a robust and comprehensive consultation.</p>	

<b>6.</b>	<b>Head of Governance, Policy and Standards (HGPS) update</b>	
	<p>HGPS advised that:</p> <ul style="list-style-type: none"> <li>• Information leaflets have been produced. These provide a summary of the role of the Commission and contact details. These leaflets will be distributed across the sector, alongside the existing complaints leaflets. Additionally, posters will be produced which can be displayed in both care homes and day centres. This will ensure that care receivers, relatives and others are able to contact the Commission to provide feedback about the service.</li> <li>• Regarding the nine sets of Standards which are required for statutory children’s service provision, draft Standards have now been produced for Children’s Social Work Services, Fostering Services, and Child and Adolescent Mental Health Services (CAMHS). Regarding the remaining seven Standards, a plan is being created, to enable these to be produced. Ofsted have committed to providing some support on an informal basis.</li> </ul> <p>Commissioners suggested that the National Association of Independent Schools &amp; Non-Maintained Special Schools (NASS) and the Children and</p>	

Family Court Advisory and Support Service (CAFCASS) may also be able to provide some additional support.

6.1

### *Risk Register*

- HGPS advised that the risk register had been amended in line with the advice from BDO, as part of the advisory audit relating to governance arrangements. Commissioners confirmed that the expression of the risk appetite for the Commission was appropriately expressed.
- *Risk 1* relates to the absence of a Chief Inspector. Commissioners advised that as mitigation measures had been taken, the risk ratings should be reduced to 16 (i.e. 4 and 4). It was agreed that risks needed to be kept up to date with mitigating factors, and that newly added factors should be expressed in a different colour.
- *Risk 2* will be discussed in the confidential brief.
- *Risk 3* relates to Individual Care Workers (ICWs) as reported on by CI. This risk has reduced as a result of the completed review.
- *Risk 4* relates to IT systems. The employment of additional administrative staff will mitigate the pressures associated with renewals. The concerns relating to the need for an enhanced IT system to facilitate the new Professional Registration Law remains.
- *Risk 5* relates to the paper archive. A plan is in place and the archive is being processed, consequently, this risk is green.
- *Risk 6* relates to budgets, and there has been no change relating to this risk.
- *Risk 7* relates to Covid-19. Risk in this area may be increasing, as the number of positive cases in the island is increasing.
- *Risk 8* relates to the provision of a home care service in unregistered accommodation. HGPS was asked to add to the risk that a purchase of a property would enable the current service to cease, and is scheduled for 23 July.
- *Risk 9* relates to the medical practitioners' register, and HGPS will update the mitigating factors relating to this following the Board discussion on this matter.
- *Risk 10* relates to the registration of independent prescribers. Advice is being sought from RJ.

6.2

### *Budget*

- Yemi Adekunle (YA), Finance Business Partner, is leaving his current role and the Commission will be supported by Michael Le Guillou (MLG) instead. HGPS is to receive training to use the budgetary software, 'Hubble'.
- There is a year to date underspend of £16,000 with a predicted overspend of £40,000 at year-end, on account of additional costs relating to the rental of new office premises. The likely savings arising as a consequence of the absence of a CI will off set the cost of recruitment.

6.3

- MLG has agreed to attend the next Board meeting. The Chair advised that the budget should be examined in detail alongside the 2022/2023 expenditure plan. This is to be added to the Forward Look for November.

*Escalation, Enforcement and Review Policy*

6.4

- HGPS advised that the policy is working well, but the Board might consider the inclusion of a Representation Panel. CI advised that such a panel is included in other jurisdictions and would represent good governance. CI advised that the EER policy had been used approximately seven times in the last six months and that there had been four instances of escalation. Commissioners agreed that an amendment to the policy should be made, including a paragraph relating to membership of the Representations Panel providing pre-hearing advice.

*Medical Practitioners Register*

6.5

- Legal and IT-related arrangements are being determined for the validation of the registrants on the medical practitioner’s register. CI and HGPS have met with Prosperity 24/7, but input from the Government of Jersey (GoJ) ‘Forms and Solutions’ team is also required. This team has no availability until October. It is possible to complete the validation manually and to design an IT solution for a biannual revalidation going forward. HGPS requested that the Board considered a number of related challenges including whether the stated aims and proposed timeframe are appropriate and reasonable; the intended project structure is appropriate; there are sufficient resources available or able to be sourced; the project management arrangement and lines of accountability are sufficiently robust; the identified risks can be successfully managed and mitigated; if any further risks should be considered, and whether the various interdependencies associated with the project e.g. with Law Officers Department (LOD) and Prosperity 24/7 can be coordinated. The Board expressed agreement that the project plan appears to be sufficiently robust and recommended that the project be commenced, with a view to as much of it being managed electronically as is possible.
- CI advised that the online register has been removed with no timeframe for it to be replaced. The Commissioners agreed that it is important that the work be completed as soon as is practicable, whilst acknowledging that, in the absence of a CI, HGPS will be responsible for managing specific projects including the move of office accommodation, the production of new Standards, and the review of the medical practitioners register.

*Advisory Review*

- BDO have advised that GoJ are in the process of concluding a final review of the draft report.

An update on the progress in achieving the recommendations was provided:

*Finding 1:* This is substantially outside of the Commission’s direct control and is to be discussed with SPPP.

	<p><i>Finding 2:</i> The Commission is working on a range of measures to increase its autonomy. These include, the move to alternative premises; the sourcing of independent legal advice as required, and the sourcing of alternative email addresses for Commission staff.</p> <p><i>Finding 3:</i> This is substantially outside of the Commission’s control and would require an amendment to legislation.</p> <p><i>Finding 4:</i> HGPS has drafted new KPIs to resolve this finding.</p> <p><i>Finding 5:</i> HGPS has amended the integrated risk register to resolve this finding.</p> <p><i>Finding 6:</i> This relates to a minor matter associated with the Commission’s register of data breaches and is now fully resolved. The finding also references training matters. Measures are in place to resolve this part of the finding and HGPS has asked that the two matters be separated.</p> <p><i>Finding 7:</i> The Commission acknowledges the finding and agrees to source an independent complaints reviewer as required.</p> <p><i>Finding 8:</i> The Chair will recommend to SPPP that the key tasks and main responsibilities associated with the role of the CI be added to the existing Framework Agreement. This would resolve this finding.</p> <p><i>Finding 9:</i> HGPS provided an undertaking to resolve this finding and requested an extension in concluding this work until November 2021.</p>	
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<b>7.</b>	<b>AOB, Date of next meeting and forward look</b>	
	<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"> <li>• 15 September</li> <li>• 17 November</li> </ul>	

**JERSEY CARE COMMISSION**  
Action Points

	Action Point	Status
P1	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.	Ongoing
P2	The Escalation, Enforcement and Review Policy to be revised to include provision for a Representation Panel.	September