

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date & time:	Wednesday 15 September 2021 9:30 am – 14:15 pm	
Meeting location:	The Wharf Suite, Pomme D'Or Hotel, St Helier and Microsoft Teams	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Alison Allam (AA) Angela Parry (AP) Jackie Hall (JH) Noreen Kent (NK) Siân Walker-McAllister (SW)	Commissioner Commissioner (via Microsoft Teams) Commissioner Commissioner Commissioner (via Microsoft Teams)
Attendees:	Bradley Chambers Deborah McMillan Mandy Bates (MB) Lisa Phillips (LP)	Head of Governance, Policy and Standards (HGPS) Children's Commissioner (for Item 7) Meeting Minute Taker Observer
Apologies:	None	

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Draft Minutes from Board 14 July 2021 3. Draft Minute Summary for Board 14 July 2021 4. Chair's Report 5. Chief Inspector's Report 6. Draft Procedures for Representations 7. Commission Response on Draft Regulations / Regulation of Care (Regulated Activities) (No 2) (Jersey Regulations). 8. Integrated Risk Register - September 2021 9. Budget Summary (August 2021) 10. Projects Update Report 11. Advisory Review Final Report 12. Scheme of Delegation
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PART A – PUBLIC SESSION

1.	Welcome Introduction and Declarations of Interest.	
	The Chair welcomed everyone to the meeting. SW declared that she had been appointed as a joint convener of the National (England) Safeguarding Adult Board Chair's Network.	

2.	Minutes of last meeting and Matters Arising	
	<p>The minutes of the meeting of 14 July (document 2) were agreed as an accurate record with the following amendments:</p> <ul style="list-style-type: none"> • Page 1, meeting location, change 'Officer' to 'Offices' • Page 2, item 3, change 16th to 16 • Page 3, item 3 correct spelling of 'Covid' • Page 3, item 3, add the Board's thanks to Lisa Jacobs • Page 5, section 4.1 change 'care home' to 'home care'. <p>With these amendments noted, SW proposed, and NK seconded the minutes.</p> <p>Commissioners reviewed the action points arising from the previous Board meeting:</p> <ul style="list-style-type: none"> • Actions P1 and P2 are agenda items and can be closed. <p>Commissioners agreed that the Minute Summary (document 3) was an accurate reflection, with no amendments:</p> <p>SW proposed, and AA seconded the minute summary.</p> <p><i>Matters Arising</i></p> <p>Item 3, 4th bullet point. The Chair requested that the HGPS follow up with the Chair of the Scrutiny Panel and/or the Chief Nurse on Recommendation 8 of the Review of Maternity Services (action P1).</p> <p>Item 4, 3rd bullet point. The Chair requested that the transition from Commission staff using gov.je email addresses to using carecommission.je email addresses, coincides with the move to new office accommodation (action P2).</p> <p>Item 4, Individual Care Worker (ICW) Update. The Chair suggested that a further review of the register of ICWs should take place in September 2022.</p> <p>The Chair asked Commissioners whether the minute summary is of benefit. It was agreed that having an accurate summary ensures that the record of the meeting is accessible to all and should be continued.</p>	

3.	Chair's Report	
	<p>The Chair presented a Report (document 4) and highlighted that:</p> <ul style="list-style-type: none"> • The recruitment of both the Chief Inspector (CI) and a Commissioner were proceeding as planned. • Charlotte Littleboy (CL) had spoken to Commissioners in the workshop on 14 September about the review of fees which is on-going, and the Commission will consider the recommendations when the review report is made available. 	

	<ul style="list-style-type: none"> • The final report from the Citizen’s Jury regarding medically assisted dying is due to be published later in September 2021. The Council of Ministers (CoM) in conjunction with the States Assembly will determine whether to support the introduction of medically assisted dying in Jersey. If a decision is taken to do so, the Commission may have a role in regulation of the approvals process. • The Chair and the former Chief Inspector, Audrey Murphy (AM) met with both the Minister for Health and the Minister for the Environment regarding the draft Ethical Care Charter. HGPS has been in further communication with Deputy Southern, who has requested information regarding the regulation of domiciliary care services. • HGPS will be attending a meeting regarding Significant Reduction of Liberty (SRoL) authorisations next week, with David Luscombe (DL), Regulation Officer (RO), in attendance. • The Chair and AM had met with Paul Martin, interim Chief Executive and Head of the Public Service. Commissioners noted that Suzanne Wylie, current head of Belfast City Council, has been appointed to the permanent role. • The Chair and the HGPS had met with Cheryl Kenneally, Chair of the Jersey Care Federation, who raised concerns about issues affecting the care industry in Jersey, including insurance concerns. When the new CI is in post, a follow-up meeting will be convened (P3). 	
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4.	Chief Inspector (CI) Update	
	<p>HGPS presented a written report prepared by AM (document 5) and highlighted the following:</p> <ul style="list-style-type: none"> • The various meetings AM had attended before her departure were listed. • No complaints had been received about the Care Commission since the previous Board meeting. • The cleansing of the medical practitioners’ database is underway. • Inspections of regulated activities are taking place weekly; 16 inspections had been undertaken since the previous Board meeting and the Commission is on schedule for all planned inspections to be completed by year end. • AM and Mark Thompson (MT), RO had a helpful meeting with Deputy Scott Wickenden the Minister for Children and Young People. • The recovery from Covid plan is continuing, staff continue to be tested on a regular basis and there is blend of working from the office and from home. • Since the previous meeting, legal advice had been sought regarding an unregistered care home service, which had since closed. • One care home had required significant improvements and the Escalation and Enforcement Policy has been applied. The situation has greatly improved. <p>The Chair requested that Deputy Wickenden be invited to a future Board meeting (Action P4).</p>	

4.1	<p><i>Representation Procedures</i></p> <p>Document 6 was prepared by AM. Its purpose is to provide an extension to the Escalation and Enforcement Policy to clarify the procedures that will be undertaken if an individual or organisation wishes to make representation on a Notice of Proposal made by the Commission. The Board discussed and agreed the procedures on the understanding that they will be reviewed in 12 months' time. In the event that a representation is made, a checklist of the matters to be considered by the Representations panel should be created. The Chair and HGPS will undertake this work (Action P5).</p>	
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5.	<p>The Commission's Response on draft regulations</p>	
	<p>HGPS presented a response to the Consultation on the draft Regulations pertaining to statutory children's services (document 7). Commissioners were in agreement that the response should be submitted, noting some proposed amendments.</p> <p>Independent legal advice had been sourced from Hempsons in respect of the draft Regulations. The advice received had cited the limits of the Commission's powers when holding services which may be deemed essential, to account. In addition, the need to avoid inequalities in the regulation of both statutory and non-statutory services was discussed.</p>	

6.	<p>Head of Governance, Policy and Standards (HGPS) update</p>	
	<p>HGPS provided a verbal update pertaining to Significant Restrictions on Liberty (SRoLs). The Commission is aware of excessive waits for SRoL assessments, leading to managers of care homes needing to significantly restrict the liberty of vulnerable people without there being sufficient legal safeguards in place.</p> <p>There is evidence of conditions being attached to some SRoLs which care home managers are unable to meet. There is a concern relating to duration of SRoLs, where they are being used for inordinately short periods of time, which may lead to multiple assessments. There is evidence of a growing number of SRoLs being applied in people's own homes.</p> <p>The Commission has been advised that they will be consulted in respect of any proposed amendments to the Law.</p> <p>HGPS provided a verbal update relating to the consultation on Law Drafting Instructions relating to the creation of a Public Services Ombudsman in Jersey. HGPS advised of the Commission's response to the consultation in 2019 pertaining to this matter and it was agreed that this was sufficiently comprehensive not to require additional detailed input. HGPS will confirm that the Commission remains supportive of the intention to establish a Public Services Ombudsman and agrees that the Ombudsman's jurisdiction in the management of complaints should extend to arms-length organisations, including Care Commission.</p>	

<p>6.1</p>	<p><i>Integrated Risk Register (document 8)</i></p> <p>The Board welcomed the updates in respect of the various risks but concluded that in some risks the narrative concerning ‘Progress on Actions’ could be more concise.</p> <p>Risks 6, 7, 8 and 10 are now green, and the Board agreed to remove risks 7, and 8, but to retain risk 6 (office accommodation) and risk 10, (Covid-19).</p> <p>In respect of Risk 6, (office accommodation), a visit to the new premises had taken place during the previous day and Commissioners were satisfied with the design and layout of the floor plan. It was acknowledged that this risk would be looked at again at the November Board, when the new office accommodation should be occupied.</p> <p>Commissioners noted that with regard to risk 10, the situation in respect of Covid remains volatile and may change.</p> <p>The Chair and HGPS will review the format of the risk register.</p>	
<p>6.2</p>	<p><i>Budget Summary (document 9)</i></p> <p>The budget summary was received. Members noted a forecast overspend associated with the additional costs of rental of the new office accommodation during Q4. No other concerns about the Commission’s budgetary position were noted.</p>	
<p>6.3</p>	<p><i>Projects Update (document 10)</i></p> <p><i>Medical Practitioner’s Register (MPR)</i></p> <p>The project to cleanse the MPR has commenced. An initial email has been sent to all current registrants which has attracted a fair response. Where a nil response is received, registrants will be written to and a further update will be provided in November. The Chair advised that it would be a welcome development if the medical practitioner’s register could be made available again online from November.</p> <p><i>Accommodation</i></p> <p>Although the renovations on the first floor at Capital House are progressing well, considerable work is needed on the ground floor and in the stairwell before the Commission could move into the premises. The Chair requested that the landlord is advised that the Commission will only occupy the building when it is safe to do so. It was noted that the archive of historical records is being appropriately cleansed to enable the Commission to relocate without needing to move historical records.</p> <p><i>Standards for Services new to Regulation</i></p> <p>Three sets of Standards are prepared in draft form, and two more are in preparation. The Commission has received support from the National Association of Child Contact Centres regarding the drafting of Standards for child contact centres, but external</p>	

6.4	<p>expertise may be needed to support the drafting of the remaining Standards. NK suggested that the Children’s Commissioner be requested to participate in consultation.</p> <p>HGPS will place the completed draft Standards on Egress for Commissioners to review (Action P6). The Chair asked for a meeting with both HGPS and MT to be convened to discuss the Standards (Action P7).</p> <p><i>Governance Advisory Audit Final Report (document 11)</i></p> <p>The final report of the Advisory Audit has been submitted. The Commission has been asked to provide estimated completion dates for the recommendations, but it is apparent that some are partially, or entirely, outside the control of the Commission. It was agreed that some completion dates would need to be discussed and agreed with SPPP and that a more detailed discussion of the Advisory Report should take place in January 2022 (Action P8).</p>	
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7.	<p>Deborah McMillan (DM), Children’s Commissioner</p> <p>The Chair welcomed DM to the meeting. DM explained her role and of the legislation which underpins the work of the Children’s Commissioner. She referred to two reports that the Commissioner’s office has issued recently: ‘Life on the Rock’ and ‘Our Life in Numbers’.</p> <p>DM spoke of various initiatives in which the Children’s Commissioner is engaged, which include providing assistance to children who wish to make a complaint about the GoJ, and in relation to the drafting of the new Children’s Law.</p> <p>The Commissioner referred to matters impacting on the well-being of looked after children which are causing concern, including the frequency of children going missing from care and the rights of children being detained in Greenfields. She referred to information provided from Children’s Services which gave further cause for concern.</p> <p>The Chair thanked the Children’s Commissioner for her presentation and suggested that a further meeting be convened following the appointment of the new Chief Inspector.</p>	
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8.	<p>Scheme of Delegation</p> <p>HGPS presented the Scheme of Delegation (document 12). Minor adjustments have been made which reflect the arrangements for decision taking in the absence of a CI. The document will be amended further once the new CI is in post. The amendments were agreed by the Board.</p>	
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9.	<p>AOB, Date of next meeting and forward look</p> <p>No other business was raised. The public session was concluded.</p>	
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	<p>Dates of forthcoming Board Meetings in 2021:</p> <ul style="list-style-type: none"> • 17 November 	
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JERSEY CARE COMMISSION
Action Points

Action Point	Status
P1	Follow up on recommendation 8 of the Review of Maternity Services.
P2	Arrange for the transition to carecommission.je email addresses to be tied in with the office move.
P3	The new Chief Inspector to meet the head of the Care Federation as part of their induction to role.
P4	The Children's Minister to be invited to a future Board meeting.
P5	A checklist of matters to be established when representations are made under the Escalation and Enforcement Policy, to be drafted.
P6	Draft standards to be uploaded on Egress for Commissioners to review.
P7	GH to meet with the HGPS and MT about the drafting of the remaining Standards.
P8	A discussion to be scheduled for the January Board, with regard to the recommendations of the Advisory Audit report.