

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date and time:	Wednesday 14 September 2022, 9:30 am to 13:00 pm	
Meeting location:	1st Floor, Capital House, 8 Church Street, St Helier and Microsoft Teams	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Jackie Hall (JH) Noreen Kent (NK) Angela Parry (AP) Siân Walker-McAllister (SW) Alison Allam (AA) Lesley Bratch (LB)	Commissioner Commissioner Commissioner Commissioner Commissioner Commissioner
Attendees:	Becky Sherrington (CI) Bradley Chambers (DCI) Suzanne Wylie (SWy) Lisa Phillips (LP) Ana Moreira (AM)	Chief Inspector Deputy Chief Inspector Chief Executive Meeting Minute Taker Administrator
Apologies:	None	

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Draft Minutes of Board meeting (18 July 2022) 3. Chair's Report 4. Chief Inspector's Report 5. Domiciliary Care Workers – review of registration and inspection processes 6. Data Governance Paper 7. Revised Complaints Policies 8. Escalation and Enforcement Policy 9. Finance 10. Review of Publication Schedule 11. Risk Register 12. Forward Look
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PART A – PUBLIC SESSION

1.	Welcome, Apologies and Declarations of Interest.	
	The Chair welcomed everyone to the meeting and thanked those that attended the workshop on 13 September 2022.	

	<p>There are no apologies.</p> <p>GH asked if any of the Commissioners wished to declare any new conflicts of interest.</p> <p>SW declared that with effect from 01 September 2022, she is appointed Non-Executive Director of Torbay & South Devon NHS Foundation Trust. The contract with Bath & NE Somerset as the BCSSP Independent Chair will also end on 30 September 2022.</p>	
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2.	Minutes of last meeting and Matters Arising	
	<p>The minutes of the meeting of 20 July 2022 were agreed with no amendments.</p> <p>SW proposed, and NK seconded acceptance of the minutes.</p> <p>The Board reviewed the action points arising from the previous Board meeting:</p> <ul style="list-style-type: none"> • Action P1: Query Board paper solutions with Modernisation and Digital (M&D). • Action P2: Investigate the need for the development of a Protected Disclosure 'Whistleblowing' policy. • Action P3: Request Veronica Dempsey (VD) to undertake a review of the Representation Panel aspect of the Escalation, Enforcement and Review Policy for the September Board. Invite VD to the September Board. • Action P4: CI to present an updated budget summary to include a breakdown of supplies and services. • Action P5: Upload the Closure Guidance to the website • Action P6: Amendments to be made to the Constitution, and upload to the website. • Action P7: Amendments to be made to the Framework Agreement and send to TW for signature. • Action P8: Review the Inspection Schedule and provide an update to the Board • Action P9: Add the need for partnership agreements with other UK regulatory bodies to the Integrated Risk Register. <p>Action P1: The Chair advised that there was still no solution for seeking software for Board packs. The Commissioners indicated that they remain content that the Board papers remain in MS Teams, to be renumbered to allow the documents to flow in numerical order until a solution is found.</p> <p>Action P2: To be brought to the November's Board.</p> <p>Action P3: This action was covered in the workshop on 13 September 2022. Amendments agreed. This action can be closed.</p> <p>Action P4: CI provides an update in relation to the Budget Summary to include a breakdown of supplies and services to the Board.</p>	

	<p>Action P5: The Closure Guidance has been uploaded to the website. This action can be closed.</p> <p>Actions P6: The Constitution is confirmed to be uploaded to the website. This action can be closed.</p> <p>Action P7: The Framework Agreement has been signed by Tom Walker (TW) and is awaiting the Minister's signature.</p> <p>Action P8: The review of the inspection schedule is an ongoing operational item to be continually reviewed. This action can be closed.</p> <p>Action P9: CI is in contact with the Scottish Regulator. She has been provided with links to the quality assurance team for hospital inspection. CQC has been in contact and are happy to cooperate with the Commission.</p>	
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3.	The Chair's Report	
	<p>The Chair tabled a report (document 3).</p> <p>The Chair announced the resignation of a Regulation Officer. It was noted that this is a loss for the Commission and acknowledged their service and hard work over the years.</p> <p>There was a discussion regarding the staffing experience and skill set of the Team following the resignation. It was agreed that the Commission should be updated about each staff member's skill set and/or experience. CI to update the Board.</p> <p>The Chair updated Commissioners about the meeting with TW (SPPP) and had assurances from Treasury that the transfer of funds from CYPES will occur by year end.</p> <p>The Chair updated the Commissioners about the Picker Institute Survey.</p>	

4.	Chief Inspectors Report	
	<p>CI tabled an Update (document 4) and highlighted:</p> <p>An update was provided in respect of the Commission's workforce. Recruitment is in process, Regulation Officer is beginning in October and a new Regulation Officer will commence their role in January 2023. A Regulation Officer who has resigned, has agreed to remain in post until the end of October 2022.</p> <p>Following a meeting with SPPP, Treasury confirmed that Contact Consulting will not conclude the report pertaining to fees. The standard uplift of fees will remain at 2.5%.</p> <p>The inspection schedule is under continual review to ensure that all inspections can be concluded by year end.</p>	

	<p>CI has written to the Director of Adult Social Care highlighting concerns relating to the perceived reduction in inpatient psychiatric beds (which is leading to the use of emergency beds in the community and pressure on care home managers to admit or readmit when this is not appropriate). A response has been received and a meeting will be convened to facilitate a discussion. CI will advise the Board of the outcome.</p> <p>A notification had been received that a person working as an individual care worker was not registered. The Commission has written and advised the person that under no circumstances should they continue to work without registration. Guidance on how to register was provided. It was explained that the Commission would consider legal action if the individual continued to work without registration. The Commission has similarly advised both Adult Social Care and Social Security of this matter.</p> <p>CI has submitted the budget for the next three years. This is awaiting approval by Treasury and the Council of Ministers.</p> <p>Quarterly meetings are in place between CI and the Minister for Environment. Introductory meetings have taken place between CI and each of the ministers for Health, Children and Education, and the Chief Minister.</p> <p>CI will organise Service Level Agreements to secure partnerships with Care Quality Commission (CQC) and NHS Healthcare Improvement Scotland following meetings.</p> <p>The Picker Institute Survey was discussed. Responses are received directly by the Picker Institute. A report will be presented in November and will be shared with the Department for Health and Social Services, prior to being published.</p> <p>Michelle Harrison (Liaison Officer employed by the NMC), is visiting Jersey to take part in an event for registered managers in relation to raising concerns associated with the registration of Nurses. This is scheduled in October.</p> <p>An event is planned in January 2023 for the care sector with the Disclosure and Barring Service (DBS).</p> <p>The Commission sent out a survey to the sector to request feedback regarding staffing levels. The survey closes on the 14 September. The results will be compiled and shared with the Board. Following approval, a draft report will then be published.</p> <p>Bernardo's Advocacy Service was briefly discussed as an organisation with which the Commission might liaise. BS to follow up.</p>	
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5.	Domiciliary Care Workers – Review of Registration and Inspection Process	
	<p>DCI presented an update to the Board in respect of the process associated with the registering of individual care workers (ICW), (document 5). It was noted that the process in Jersey differs significantly from processes across the UK. As a formal inspection of ICW's cannot be undertaken in the same way as it is in</p>	

	<p>respect of other regulated activities, the Commission operates an annual renewal process. This requires that ICW's submit evidence relating to their training, a Statement of Purpose and an Enhanced DBS.</p> <p>It was decided that, going forward, the number of registered/renewed ICW's can be brought to the Board annually.</p> <p>The law was discussed in relation to legal entities. Veronica Dempsey (VD) is continuing to examine this area and will advise accordingly.</p>	
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6.	Chief Executive – Suzanne Wylie (SWy)	
	<p>Swy outlined the key priorities of the Government of Jersey and welcomed the involvement of the Commission.</p> <p>There was brief discussion of registrations and inspections going forward</p>	

7.	Data Governance	
	<p>DCI presented the Data Governance Paper (document 6):</p> <p>The document summarises the Commission's compliance with duties and responsibilities in respect of General Data Protection Regulation (GDPR) and the requirements of the Office of the Information Commissioner.</p> <p>The Commission is bound by the Data Protection (Jersey) Law 2018 and is identified as a Data Protection Authority. The Commission is not bound by the Freedom of Information (Jersey) Law 2011, as it is not identified as a Scheduled Public Authority. However, in the interest of transparency, the Commission has committed to respond to any FOI request.</p> <p>Data governance policies were reviewed during the data governance audit which concluded in 2021. DCI advised that these policies are broadly satisfactory and that no remedial action needs to be taken.</p> <p>The data breach process and mandatory training associated with data protection were each briefly discussed.</p> <p>A retention schedule is in operation. This was provided by Heritage and proved to be particularly useful in enabling the Commission to process its paper archive prior to the move to new premises.</p> <p>It was discussed that the Commission had previously approached the Internal Auditor to query whether an advisory audit might be undertaken. It was concluded that the Commission would be required to commission this directly if required.</p>	

	The Memorandum of Understanding with the Safeguarding Partnership Board (SGPB) was briefly discussed. CI has made contact with SGPB with a view towards concluding this.	
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8	Reviewed Complaints Policies and Escalation and Enforcement Policy	
	<p>The Chair presented the two complaints policies and Escalation and Enforcement Policy (Document 7 and 8).</p> <p>A series of proposed amendments were made pertaining to each of the Complaints about Provision of Care Policy and the Escalation and Enforcement Policy. Each of the policies were approved by the Board pending the amendments.</p>	

9.	Finance	
	<p>CI discussed the Budget Summary (document 9) and provided a breakdown of expenditure. It was noted that the figure does not include the agreed transfer of funds from CYPES</p> <p>It was concluded that the Commission will be in either a breakeven position or positive position following the transfer of funds from CYPES.</p> <p>CI is working with the Commission's Business Partner in relation to the transfer of funds.</p>	

10.	Review of Publication Schedule	
	<p>DCI presented the Publication Schedule (document 10).</p> <p>The schedule commits the Commission to publishing or otherwise making available information which is held by the Commission that falls within various classifications. The Commission publishes information routinely through a variety of means. Specific exemptions were noted.</p> <p>Most of the published information is made available on the Commission's website. In addition, inspection reports are provided to the Registered Person (Provider) and the Registered Manager of each regulated activity. The reports are uploaded to the Commission's website and a notification is provided on social media when a new report becomes available.</p> <p>An amendment to the Publication Scheme was noted and endorsed as revised.</p>	

11.	Risk Register	
	CI discussed the Risk Register (document 11) and confirmed that this had been updated prior to the Board meeting. Currently, all identified risks are graded as amber. There is one	

	<p>additional risk that has been added to the register: 'Future regulation and inspection of the acute hospital' which was discussed.</p> <p>One risk has been removed 'Inspection Schedule' and the reasoning behind this was discussed.</p>
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12.	Forward Look
	<p>The Chair discussed the date for the next Board meeting (16 November 2022) and the set of items to be discussed.</p> <p>It was discussed that a workshop will be scheduled on the afternoon prior to the Board meeting.</p>

5.	Any Other Business
	<p>The six-monthly report to SPPP was discussed. The Chair suggested that in section 8, it should be noted that next year The Chair and two Commissioners are coming to the end of their terms of office and the associated actions should be considering arrangements for addressing this.</p> <p>Dates of forthcoming Board Meetings in 2022:</p> <ul style="list-style-type: none"> • 16 November

JERSEY CARE COMMISSION
Action Points

	Action Point	Owner	Status
P1	Query Board pack solutions with M&D.	CI	ongoing
P2	Investigate the need for the development of a Protected Disclosure 'Whistleblowing' policy.	DCI	ongoing
P3	CI to present an updated budget summary to include the Commissions current position	CI	ongoing
P4	Once Framework Agreement is signed by Minister, upload to website.	CI	ongoing
P6	CI to update the Board with response from Director of Adult Social Care highlighting concerns the reduction in inpatient psychiatric beds.	CI	concluded
P7	CI to supply the Board with an update of skill set for each member of staff to highlight any gaps.	CI	concluded
P8	CI to contact Bernardo's Advocacy as a point of interest as a partner for the Commission	CI	concluded
P9	Amendments to be made to the Escalation and Enforcement Policy, Complaints Policy and Publication Schedule.	LP	concluded

P10	Guidance leaflet to be produced alongside Escalation and Enforcement Policy.	DCI	concluded
P11	One amendment to be made to The Publication Schedule	DCI	concluded