

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date and time:	Wednesday 16 November 2022, 9:30 am to 13:30 pm	
Meeting location:	1st Floor, Capital House, 8 Church Street, St Helier	
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) Minister Renouf (MR) Jane Long (JL) Mark Silver (MS) Lisa Phillips (LP)	Chief Inspector Minister for the Environment Regulation Officer Head of Business and Performance Executive Administrator - Meeting Minute Taker
Apologies:	Bradley Chambers	Deputy Chief Inspector

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Draft Minutes of Board meeting (14 September 2022) 3. Chair's Report 4. Chief Inspector's Report 5. Integrated Risk Register 6. Draft Business Planning Paper 7. Budget Summary 2022 8. Regulation of Care 2022 Fees 9. Project Summary Report – Children's Service Expansion 10. Project Update Medical Registration 11. Think Piece Paper 12. Review of Inspection Policy 13. Forward Look
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PART A – PUBLIC SESSION

1.	Minister for the Environment	
	The Chair welcomed Deputy Renouf, Minister for the Environment, to a pre-arranged introductory session with Commissioners. The session took place immediately before the Board meeting. The Chair outlined the Commission's role.	

2.	Welcome, Apologies and Declarations of Interest.	
	<p>The Chair welcomed new members of staff, Jane Long (JL), Regulation Officer and Mark Silver (MS), Head of Business and Performance, and thanked those who had attended the workshop on 15 November 2022.</p> <p>It was noted that a long serving Regulation Officer, Dave Luscombe, is leaving the Commission this week. The Chair noted sincere thanks and appreciation for all his work.</p> <p>SW's contract with Bath & NE Somerset as Independent Chair ended on 30 September 2022.</p> <p>LB contract with Enable has now ended.</p> <p>LP to circulate the Register of Interest to Commissioners to ensure it is accurate.</p>	

3.	Minutes of last meeting and Matters Arising	
	<p>The minutes of the meeting of 14 September 2022 were agreed with no amendments. NK advised that her query in the budget section was not captured in the previous minutes regarding the use of 'brackets' which will be considered in agenda item 7.</p> <p>SW proposed, and AP 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: CI to present an updated budget summary to include a breakdown of supplies and services. • Action P4: Once Framework Agreement is signed by Minister, upload to website. • Action P5: CI to update the Board with response from Director of Adult Social Care highlighting concerns about the reduction in inpatient psychiatric beds. • Action P6: CI to supply the Board with an update of qualifications and skill sets for each member of staff to highlight any gaps. • Action P8: Amendments to be made to the Escalation and Enforcement Policy, Complaints Policy and Publication Schedule. 	

	<ul style="list-style-type: none"> • Action P9: Guidance leaflet to be produced alongside Escalation and Enforcement Policy. • Action P10: One amendment to be made to The Publication Schedule. <p>Updates:-</p> <p>Action P1: Now Concluded as the documents produced in Teams are listed in sequence. Commissioners confirmed they are happy to continue as is.</p> <p>Action P2: Mark Silver (MS), Head of Business and Performance, is reviewing the need for a separate Whistleblowing Policy. MS confirmed that due to different legislation in Jersey, where there is no “protected disclosure” or “prescribed person”, the Commission will provide direction and guidance through the website. This action is now marked as closed.</p> <p>Action P3: This action will be covered under the agenda item number 7.</p> <p>Action P4: Concluded</p> <p>Action P5: Concluded</p> <p>Action P6: Concluded</p> <p>Action P7: Concluded</p> <p>Action P8: Concluded</p> <p>Action P9: Concluded</p> <p>Action P10: Concluded</p>	
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4.	The Chair's Report	
	<p>The Chair tabled a report (document 3).</p> <p>The Chair shared with the Board sincere thanks and appreciation of the efforts of everyone involved in helping write, edit, and refine the draft standards for children's services.</p> <p>The Chair discussed the workshop meeting on Monday 31 October. The Chair, Chief Inspector (CI), Deputy Chief Inspector (DCI), and regulation officers had met on Island with the three independent experts engaged in supporting the Commission in preparing the draft standards for consultation. The chair provided a brief background of each of the consultant's extensive experience.</p> <p>The standards were considered, and amendments were made. The Board noted the content of the draft Inspection Handbook and identified workstreams that need to be completed before the Standards and Handbook can be formally signed off.</p> <p>Five work-streams were identified associated with the preparations for regulation of children's services: -</p> <ul style="list-style-type: none"> • Completion of the Inspection Standards • Completion of the Inspection Handbook • Preparations for the annual conversation with the Registered Provider • Preparations for an annual survey of children, young people and their families 	

	<ul style="list-style-type: none"> Confirming the information requirements from the Director General of CYPES prior to inspection fieldwork. <p>Comptroller and Auditor General (C&AG) has recently published a paper on annual report writing which was circulated to Commissioners. MS is attending an event on annual reports in December and has the opportunity for one to one feedback from the office of the C&AG.</p> <p>C&AG had not been able to review the Commission's 2021 Annual Report as it's publication was delayed by the period of Purdah prior to the election. The Board discussed C&AG's comments around Governance arrangements which related to the 2020 report. The CI had responded to C&AG on this point.</p> <p>The Chair also raised the need for a Business Continuity Plan as part of the Governance discussion, and comments included in a wider C&AG Review.</p>	
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5.	Chief Inspectors Report	
	<p>CI Report tabled an Update (document 4)</p> <p>There have been no new complaints received about the Commission since the previous Board meeting.</p> <p>A complaint received in July in relation to a Home Care Provider, has been investigated by a Senior Officer within SPPP, and the outcome was that the complaint was not upheld. The response has been sent to the Provider and no further correspondence has been received.</p> <p>An update was provided in respect of the Commission's workforce. A Regulation Officer (RO) had their work hours increased to 0.8 wte permanently. The RO who relocated to the UK in August, continued to work on a part time basis between Jersey and the UK, this arrangement ended at the beginning of November. A new RO began in October; with a background in health visiting, safeguarding and looked after children nursing (with experience of being based in a Social Work team). The role for Head of Business and Performance began end of October. A new RO will begin in January 2023. A workforce plan and review for 2023 is required preparations will begin in December 2022.</p> <p>The planned schedule of inspections for 2022 has been monitored monthly. DCI is confident that the inspection schedule will be met in full.</p> <p>The Secure Children's Home was discussed. The service has since made improvements in eight of the twelve areas identified at the September inspection. However, four areas for improvement remain and one new area for improvement was identified during this latest inspection, totaling five areas for improvement. An improvement notice for three areas was issued on the 28 September. There was a brief discussion regarding the home being empty at present and how staff members are deployed during periods of inactivity.</p>	

<p>The challenges surrounding children who are reported missing from care home placements was discussed and the concerns have been raised with the Safeguarding Partnership Board.</p> <p>There was a brief discussion surrounding issues with staffing levels in children's homes and feedback received from other services that they are shrinking capacity to manage their own level of risk.</p> <p>The Board discussed the concerns in the care sector surrounding reduction in in-patient psychiatric beds, lack of availability of beds in the community and pressure on managers to admit or readmit. The Commission received a formal response from the Interim Director and a meeting was held on 30 September. An increase in specialist inpatient beds is being planned.</p> <p>The Commission circulated a survey to the care sector to request feedback regarding staffing levels. The result was shared with the board and a report will be published and discussed under agenda item 9.</p> <p>CI shared with the Board an event that took place on 6 October with The Nursing and Midwifery Council (NMC), to learn more about the role of the NMC and their approach to managing concerns, alongside Jersey's Associate Chief Nurse, an invitation was sent to all Registered Managers who employ registered nurses.</p> <p>An information event is planned for January with the Disclosure and Barring Service.</p> <p>CI updated the Board with the Commission's website re-design. The home page will be revamped.</p> <p>The Commission will receive the CYPES budget transfer by 22 November 2022.</p> <p>A 3-year budget plan has been written in consultation with SPPP, and this has been approved by Ministers as part of the wider Government Plan.</p> <p>CI met with the Care Quality Commission (CQC) who responded positively to the invitation to work with JCC surrounding the development of standards and an inspection methodology.</p> <p>Assisted Dying current timeframe and dates were discussed. Public Consultation is on-going and the report is due in January.</p> <p>LB attended 2 events on Assisted Dying and shared her notes with the Board.</p> <p>The Chair briefly updated AP on the Picker Survey which had been covered in some detail during the workshop on the 15 November.</p>	
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6.	Risk Register	
	<p>CI presented an update to the Board in respect of the risk register (document 5).</p> <p>The Head of Business and Performance will take on any further updates of the risk register and will align the risk management policy with the Jersey Government's corporate risk register to better enable transfer and escalation of risk.</p> <p>Risk 4, Capacity:- Anticipated expansion of role and remit of the Commission whilst maintaining business as usual (added November 2022) was discussed. It was clarified what the risk means. It was confirmed that the risk should remain as red.</p> <p>Workforce was discussed as a risk, including the Commission employees, their general experience and background knowledge and skills; future employment plans and succession planning in respect of Commissioners whose terms of office are coming to an end in 2023.</p> <p>The Board clarified the process of when a risk should be removed. The Board should approve any risks proposed to be removed. CI confirmed that removed risk 'Future regulation and inspection of acute hospital has been reworded under Risk 4. The Board approved the changes to the register.</p>	

7.1	Draft Business Plan 2023	
	<p>The Chair presented the Draft Business Plan 2023 (document 6).</p> <p>Amendments were identified:</p> <p>Priority 2 – Professional Registration. Sentence reworded.</p> <p>2.1 Develop and source funding for the provision of IT software and an online portal to facilitate electronic registration of all health and social care professionals</p> <p>Priority 5 -Governance framework - Added</p> <p>5.2 Maintain an effective risk register, ensuring that all known risks are assessed in a timely manner, and appropriate steps are taken to mitigate and manage risks.</p> <p>5.3 Maintain effective control of financial resources allocated to the Commission, making sure that all areas of expenditure have the necessary approvals from Treasury.</p> <p>Any further proposed amendments or suggestions including significant gaps are to be emailed to Head of Business and Performance to update the document and keep a master copy to be tabled at the next Board meeting for approval and sign off.</p> <p>LP to circulate the updated version of the Draft Business Plan for commissioners to review.</p>	

7.2	Finance Report – Budget Summary 2022	
	<p>CI discussed the Budget Summary 2022 (document 7) and provided a breakdown of expenditure up to October (month 10). It was noted the transfer of funds from CYPES will be with the Commission by 22 November. In future years this will be included in the Commission's budget settlement from Government of Jersey. The effect of the transfer will bring the forecast outturn into balance with an anticipated nominal surplus at year end.</p> <p>CI explained that there was an increase in fee income from higher than anticipated numbers of Medical Practitioners requesting registration which has been included in the forecast for next year.</p> <p>It was noted that the budget summary for premises and maintenance is not truly reflective of the rental and service charges for the new offices in Capital House and needs to be added. There were a few variances in funds where an explanation is required. CI will meet with the Commission's Finance Business Partner to clarify. CI will extend an invitation to the Finance Business partner to attend the next Board meeting.</p> <p>NK queried the figures in brackets. MS confirmed that the figures in brackets represent negative numbers. NK Queried why this would apply to income which by its nature is a positive number. MS confirmed that this is a common approach by Treasury. CI confirmed that the figures highlighted are variations. CI will invite the Finance Business Partner to the next Board meeting to discuss any queried with figures and explain how the figures are presented.</p>	

7.3	Approved Business Case	
	<p>The Chair introduced the Government of Jersey's business case (Document 8) for regulation and inspection of hospital, ambulance, mental health and independent clinic services</p> <p>The Chair Highlighted the following relevant pages: Page 5 sets out 4 specific objectives. Pages 10 and 11 identifies the additional financial allocations that have been approved for the Commission and for HCS.</p> <p>The increased budget for 2023 was briefly discussed and the Board and members were reassured to see a confirmed increase in budget. Members noted the challenge of recruiting additional staff with the necessary skills and experience to undertake the required roles and the need for a workforce strategy to address this.</p> <p>The Business Case is expected to receive final approval shortly.</p>	

8.1	Project Update – Children’s Expansion Service	
	<p>CI updated the board with the project (document 9) and advised that the risk remains as an overall amber rating.</p> <p>The timeline for the completion of the standards is very tight, but the standards will be finalised and published along with the amendments to the Regulation of Care (Jersey) Law and the associated Regulations.</p> <p>Commissioners discussed their respective experiences of reviewing the draft standards, welcomed the proposals to make sure the final versions are subject to a process of standardisation to address and remove any anomalies or unintentional variations.</p> <p>It was agreed that Commissioners be kept informed of progress but that authority to sign off the final copy would be delegated to the CI in consultation with the Chair.</p> <p>Commissioners expressed a willingness to continue to provide support to ensure standards are finalised by the stated deadlines. Any specific tasks will be referred to the Chair for allocation to Commissioners as necessary.</p>	

8.2	Medical Practitioners' Register	
	<p>CI presented the Project Update for Medical Registration (document 10).</p> <p>Alistair Jerrom-Smith (AJS) is working with CI and LP to start the project next month, now that the budget has been agreed.</p> <p>Commissioners were pleased to note a positive outcome to the negotiations with SPPP regarding funding for the development of the software and IT support required to complete this process.</p>	

9	Think Piece Paper	
	<p>CI tabled a paper (document 11) and advised that the report has been compiled following the results of the survey circulated regarding staffing levels, and consistent feedback and observations during inspections.</p> <p>CI has sought advice from an external contractor to assist with proofreading and editing the final version. CI requested approval from the Board for publication of the report.</p> <p>Resilience was discussed, specifically in relationship to a registered provider failing or withdrawing at short notice and the impact on the rest of the sector.</p>	

	<p>Commissioners asked about supporting evidence, which the CI confirmed was included in the appendix, including the results from the survey and additional evidence from inspection reports. The CI also confirmed that The Care Federation is supportive of the approach and the need to raise awareness of the challenges facing care providers in the current climate. Commissioners confirmed the report had their full support.</p> <p>Timing for publication was discussed, and it was agreed that the report should be published in November and before the Picker Institute Report.</p> <p>The Chair suggested that the survey of registered providers should be repeated annually and suggested the introduction should include a reference to Section 38 of the Regulation of Care Law, i.e. that the Commission can prepare and published reports on aspects of health and social care as it sees fit.</p>
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10.	Inspection Policy - Review
	<p>The Chair introduced the Inspection Policy (document 12) which is on an annual review cycle and confirmed that on:</p> <p>Page 8 the last paragraph should now be removed as this related to Covid 'Undertaking inspections during the pandemic presents challenges to the Commission and to care providers where strict infection prevention and control measures have been put in place to ensure the safety and wellbeing of care receivers and staff'.</p> <p>Page 8 'inspection per annum to be amended to one annual inspection' as per SW suggestion</p> <p>Page 9, the following sentence should be removed 'Therefore, for the duration of the pandemic, the Commission will adjust its methodology relating to inspections.'</p> <p>Page 11 to add the reference to summary report 'Following the period of 28 days and the correcting of any factual errors, a finalised report will be produced by the Commission. The Commission will then arrange for the report to be published as a full report, and a summary of the report, copies will be uploaded to the Commission's website.'</p> <p>Page 15 under the Inspection Report Publication Process flow chart, Head of Governance Policy and Standards (HGPS) now amended to Deputy Chief Inspector (DCI). IAMS to be amended to ROAST.</p> <p>Page 13 sentence to be amended to 'In addition, stakeholders will receive information in a range of formats which ensures that they have the opportunity to understand the inspection process and to ask any questions or raise any concerns in respect of it'.</p> <p>The Chair queried what 'warrant card' means. CI advised that the Commission has produced these. CI advised that a meeting is scheduled in January with the Law Officers Department regarding warrant cards. CI confirmed that a warrant is a form of ID to confirm that the person is a legitimate employee for the Commission and has powers of entry. The paragraph was approved.</p> <p>The revised Inspection Policy was agreed and scheduled for annual review and to be included on the forward look for November 2023. The Amended policy will be distributed to the Commission by email before the next Board meeting.</p>

11.	Standards and Inspection handbook	
	The Chair updated the Board on inspection methodology and the Inspection Handbook. The Commission is not required to publish the handbook until after the Standards are published. The Chair would like Commissioners to have an opportunity to comment on the handbook in draft. This will be added to the agenda for the next Board meeting in February 2023.	

12.	Forward Look	
	<p>The Chair presented the Forward Look for 2023 (document 13). There are several items that require Board approval:</p> <ul style="list-style-type: none"> • Business Plan and KPI'S for 2023 • Budget Build for 2023 and a 3-year rolling budget thereafter • First Draft of Annual Report for 2022 • Comms plan for 2023 • Children's Commissioner and Children's Minister to address the Board postponed until March/May or invite to the workshop • Review of partnership arrangements for inspections of children's social work services. – Part of Project Updates • Whistleblowing Policy to be removed • Consideration of invitation of Minister for Health and Social Services to address the board postponed to March 2023 <p>Additional items to be added to the forward look- to be confirmed.</p> <ul style="list-style-type: none"> • Regulation of Individual Home Care Workers • Data governance and compliance with GDPR • Review of our Publication Scheme. • Engagement with the regulation officers. • Head of Business and Performance to produce a reflection piece. 	

13.	AOB	
	The issue of Commissioners visiting care providers with a RO was discussed in light of the undertaking to do so as discussed at the May 2022 engagement event. The CI advised that she would liaise with RO's and Commissioners regarding possible dates at the start of 2023, once the work on the Care Standards is completed.	

JERSEY CARE COMMISSION
Action Points

	Action Point	Owner	Status
P1	Circulate the Register of Interests, revised Draft Budget for 2023 and Inspection Policy to commissioners.	CI	ongoing
P2	Forward Look 2023 to be amended: <ul style="list-style-type: none"> • Remove Children's Commissioner to address the Board (postponed) • Whistleblowing Policy to be removed • Remove review of partnership arrangements for inspections of children's social work services. – to be included with Project updates. • Consideration of invitation of Minister for Health and Social Services to address the board postponed to March 2023 	CI	ongoing
P3	CI to present an update on the Budget explaining the discrepancies in budget summary and in particular Premises and Maintenance budget. CI to invite Emilie Fisher, Finance Business Partner to the Board in February.	CI	ongoing