

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date and time:	Wednesday 29 March 2023, 9:00 am to 12:40 pm	
Meeting location:	1st Floor, Capital House. 8 Church Street	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Alison Allam (AA) Lesley Bratch (LB) Jackie Hall (JH) Noreen Kent (NK) Angela Parry (AP) Siân Walker-McAllister (SW)	Commissioner Commissioner Commissioner Commissioner Commissioner Commissioner
Attendees:	Becky Sherrington (CI) Mark Silver (MS) Deputy Karen Wilson (KW) (Item 1) Ruth Johnson (RJ) (Item 1) Deputy Malcom Ferey (Item 1) Emilie Fisher (EF) (Item 6) Alix Cordell (AC) (Item 9)  Lisa Phillips (LP) Sandra Damiao (SD)	Chief Inspector Head of Business and Performance Minister of Health and Social Care  Associate Director of Health Policy States Member  Finance Business Partner Consultant  Executive Administrator – Minute taker Administrator - Observer
Apologies:		

Documents presented:	<ol style="list-style-type: none"> <li>1. Agenda</li> <li>2. Draft Minutes of Board meeting (8 February 2023)</li> <li>3. Chair's Report</li> <li>4. Chief Inspector's Report</li> <li>5. Finance Report</li> <li>6. Risk Update and Register (2 papers)</li> <li>7. Inspection Handbook and Handbook for Providers (2 Papers)</li> <li>8. Annual Report (2 Papers)</li> <li>9. Publication Scheme (2 Papers)</li> <li>10. Governance and Assurance arrangements with SPPP and Governance Checklist (2 Papers)</li> <li>11. Presentation / Inspection Handbook</li> <li>12. Forward Look</li> </ol>
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PART A – PUBLIC SESSION

1.	Minister to Address the Board
	<p>The Chair welcomed everyone, and introduced, Deputy Karen Wilson (KW), Deputy Malcolm Ferey (MF) and Ruth Johnson (RJ), Associate Director (Health Policy) to the Board.</p> <p>Deputy Karen Wilson made a brief presentation, outlining her ambition to improve the quality and safety of health and social care services through a transformation programme and improved governance. She explained there had been several service and clinical reviews, which repeated the same message, that patients are not being served as well as they should be. She emphasised that these reviews highlighted that the workforce is committed to providing high quality care.</p> <p>Some of the issues that face the department of health and social care are underpinned by wider problems with workforce supply. Challenges around workforce are creating a renewed emphasis on recruitment and retention, as well as dealing with cultural issues that underpin the way services are delivered.</p> <p>A ‘freedom to speak up’ guardian has been appointed to help employees feel confident in raising concerns, and KW is pleased with early results that indicate that staff members are raising concerns and feel safe in doing this.</p> <p>Professor Hugo Mascie-Taylor’s report has made several recommendations for changes in the governance framework, including the establishment of a new Health Board to strengthen governance. Ruth Johnson (RJ) is leading on drafting terms of reference, and the Commission had already been consulted on these proposals.</p> <p>KW outlined a significant piece of work around understanding the cost of care, and assessing the effectiveness of investment in the health and care system, particularly understanding how well investment is targeted. She explained that in some areas it was more difficult to demonstrate the benefits of investment, such as in mental health and elderly care.</p> <p>Two key pieces of legislation are proposed on Assisted Dying and Termination of Pregnancy Law, that will introduce greater choice for people.</p> <p>KW thanked the Board for conducting the Picker Survey, particularly given the negativity surrounding the health department. She explained that the survey results provided very welcome evidence-based and balanced testimony about the experience of patients and the services received.</p> <p>KW explained that the turnaround team in Government is dealing with significant challenges of capacity, workforce and addressing recommendations in the Hugo Mascie-Taylor report.</p> <p>There was a brief discussion regarding senior team vacancies and recruitment, and it was noted that a future conversation with the Commission about the professional landscape would be beneficial. The Chair assured the Minister that the channel of communication remains open and that he would be happy to facilitate any future discussion that KW requires.</p>

	<p>Malcom Ferey (MF) discussed the review of the social care scheme at the beginning of this year. All rates have been increased by 12%, going forward there will be a review of the whole benefits landscape to see if people with long-term conditions could be assisted in returning to the workplace and to help ensure benefits do not become a barrier to work. He also said a review of domiciliary care is scheduled.</p> <p>RJ is working with the Minister around governance arrangements and has circulated the first draft of the terms of reference for the new Health and Care Board. RJ thanked the Commission for its response. The Board will, at least initially, be a non-statutory Board. RJ confirmed that it is an interim arrangement as it can take up to two years to develop the necessary statute.</p> <p>Assuming that the terms of reference are approved by the States Assembly, the new non-statutory Board will be in place and once up and running, consultation work will begin around what a statutory Board and associated governance framework should look like. RJ explained the Commission will be consulted on all relevant proposals.</p> <p>The Chair thanked all for attending.</p>
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2.	Welcome, Apologies and Declarations of Interest	
	The Chair opened the business section of the Board meeting. There were no apologies noted, nor any changes to declarations of interest.	

3.	Minutes of last meeting and Matters Arising	
	<p>Jackie Hall (JH) proposed, and Angela Parry (AP) seconded the minutes of the February Board.</p> <p>Actions from the previous meeting were noted as completed.</p> <p>MS had received helpful comments from Board members about the Performance Framework and will forward an updated Performance Framework, once it was confirmed how the key performance indicators (KPIs) will be measured.</p> <p>Julie King (JK), Executive Director of Safety, Quality, Engagement, in the Isle of Man wrote to the Commission following the Board's decision at the last meeting not to undertake inspections in the Isle of Man. She outlined other ways in which the Isle of Man and Jersey could usefully collaborate. The Chair has scheduled an exploratory meeting with JK and will share the outcome with the Board.</p>	

4.	The Chair's Report	
	<p>The Chair presented his report (document 4) and discussed the quarter one Strategic, Policy, Planning and Performance (SPPP) monitoring meeting. He noted that no changes were required to the Framework Agreement following Tom Walker's (TW) role in Cabinet Office, as TW will continue to be the Accounting Officer for the Commission.</p> <p>An invitation has been sent to Rob Sainsbury (RS), Director General Children's Services, to meet with the Chair and CI following an email received from RS requesting a meeting with the Board. No dates have been agreed yet. It is intended that an exploratory meeting would focus on the new Children's Standards and the Inspection Handbook, including the proposed inspection timeframe and methodology.</p> <p>The Board agreed that Francis Walker (FW) should be invited to the Workshop in May to discuss regulatory matters.</p>	

5.	The Chief Inspectors Report	
	<p>The Chief Inspector (CI) detailed her engagements since the previous Board and provided updates on the most significant meetings. The CI and three regulation officers met with the Head of Strategy and others at the Care Quality Commission (CQC) to discuss how the two organisations could work together, and particularly what support CQC could provide in new areas of inspection. A follow up meeting has been scheduled in April, via Teams, to discuss proposals in more detail. The CI particularly raised the issue of hospital inspections and the role the CQC could play.</p> <p>The CI had also attended a meeting of the UK and Ireland care regulators forum. It was noted at the meeting that most regulators were experiencing similar issues.</p> <p>The CI has engaged an independent consultant, who had undertaken work for the Comptroller and Auditor General. The consultant is working with Mark Silver (MS), Head of Business and Performance, and Bradley Chambers, Deputy Chief Inspector (DCI) on several projects, including a thematic review of inspection findings, and an analysis of content of inspection reports. The consultant will make recommendations for improving the inspection and reporting process. It was agreed that the consultant should be invited to present her findings at a future Board meeting.</p> <p>The CI met with members of the Health and Care Services turnaround team. Professor Hugo Mascie-Taylor and Chief Nurse, Kathy Stone, met with the CI and a trial mini-inspection was requested prior to Regulation of Care Law being amended. The CI noted that the request would need to come from the Minister.</p> <p>The CI has been working with the NSPCC to provide assurance about the requirements of the new standards, prior to registration. The CI has drawn on recent experience with another service provider and reported that this experience had helped in understanding NSPCC's concerns.</p>	

	<p>The CI met with the Minister for the Environment to discuss the need to reinforce the benefit of having independent regulation in Jersey. They also discussed workforce requirements, particularly in relation to preparations for the Regulation of Care (Jersey) Law being amended to extend regulatory oversight to include hospital, ambulance, and mental health services.</p> <p>The CI provided an update of the registration and digital project. Alastair Jerrom-Smith (AJS), Project Manager, continues to work with the Commission two days a week. A project Board has been set up, and a project plan has been put in place.</p> <p>The annual schedule for inspections has now been agreed, including inspections of the ten new Children's Social Care areas. The improvement notice for the Secure Children's Home has been rescinded.</p> <p>Weekly meetings are continuing with Lynne Capie (LC) from Switch, the Commission's communications lead. LC led a training event with regulation officers, and a session on how the Commission communicates key messages and in developing an appropriate 'tone of voice' for various media channels.</p> <p>The CI met with the Welsh Care Inspectorate who are willing to provide support to the Commission and have shared a draft inspectors handbook.</p> <p>Discussions are continuing with Picker Institute about the possibility of supporting the survey of Children's Social Care Services. The CI is also exploring alternative Island based providers.</p> <p>The CI met with Francis Walker in relation to the proposed amendments to the Regulation of Care (Jersey) Law. It was agreed that private outpatient clinics would not be included in scope for regulation. The CI and FW discussed ambulance provision and whether regulatory reach would be extended to include smaller voluntary providers such as St John's Ambulance. The CI will provide an update in due course.</p> <p>The CI has approached Ofsted for assistance with Standards writing, but confirmed Ofsted is unable to support the Commission, or to supply any bank inspectors. Ofsted advised that they were not able to offer a partnership. However, they did provide contact details for experienced independent inspectors that could be approached.</p>	
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<b>6.</b>	<b>The Financial Report</b>	
	<p>Emilie Fisher (EF) presented document 5 and provided a brief outline on the current position. Due to the switch over to a new financial IT system, there are difficulties in providing the standard financial report. This will be provided as soon as the new system allows.</p>	

	<p>Pay awards are expected to be added to the budget cash limit at 7.9% for Commission staff.</p> <p>Some expenditure lines cannot be reported accurately until the new system is fully embedded. A more detailed financial report is expected in April.</p>	
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<b>7.</b>	<b>Risk Update and Risk Register</b>	
	<p>MS presented document 6 and provided the Board with an update of the risk register.</p> <p>MS summarised the risks:</p> <p>Risk 1 - Due to the nature of the expansion of the Commission, this is a longstanding risk, mitigation is in place and progressing. No reported changes since the last Board meeting.</p> <p>Risk 2 -MS plans to conduct a data governance review in line with the Business Plan commitment. Mitigation is in place which includes draft Memoranda of Understanding (MOUs) with partners, which should be ready to agree shortly. Data Protection Impact Assessments are being prepared for most data processes, and a recent data governance review has concluded. However, until a full review has been completed and the risks are fully understood, this risk should remain on the corporate register.</p> <p>Risk 3 – This risk reflects the impact of the expansion of the Commission’s remit on existing work, and especially on the infrastructure to support the Commission. It is expected to continue while the Commission’s remit expands, however satisfactory mitigation is in place.</p> <p>Risk 4 – This risk had moved on since the new Standards were agreed. The risk will be refocused to reflect the challenge of delivering a robust regulatory regime. MS agreed to review and update the risk and to present the latest iteration to the next board meeting for consideration.</p> <p>Risk 5 – There is an ongoing requirement for effective engagement with representatives of the Department of Children, Young People, Education and Skills (CYPES) to ensure the successful roll out of new standards and an effective regulatory regime. Therefore, it was agreed that this risk remains extant, although it was acknowledged the progress on mitigation remains satisfactory.</p> <p>Risk 6 – (Unregulated Activity). This risk refers to a specific occurrence but remains an ongoing issue. While the Commission is dealing with the presenting factors, the underlying causes have not been addressed, meaning there is a significant risk of recurrence, with consequential adverse impact for children who use services. This risk will remain open on the corporate risk register.</p> <p>Risk 7 – This risk was added to reflect issues with a particular provider, but highlighted the risk that other care providers who are new to regulation might require additional support. The Commission is now aware of this risk and satisfactory</p>	



	<p>mitigations are in place for new services that are due to register. However, this remains a reputational risk and it was agreed it should remain active on the register.</p> <p>Risk 8 – This is a proposed new risk. Full processes have not yet been agreed with all UK based professional bodies who undertake fitness to practise investigations. This could result in a reputational risk if any investigations concerning registrants working in Jersey are not brought to the Commission’s attention. Mitigations are in place, and progress on agreeing MOUs is satisfactory. Once these are confirmed as being in place, processes can be agreed with each professional regulatory authority which will reduce the risk within tolerance. Until then, it was agreed the risk needed to be on the corporate register.</p> <p>The Chair thanked MS for this comprehensive update on the risk register.</p>	
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8.	Inspection Handbook Board Version and Inspection Handbook for Providers	
	<p>The Chair welcomed Alix Cordell (AC), consultant, to the meeting.</p> <p>A draft handbook has been produced that describes the inspection methodology.</p> <p>The Handbook includes:</p> <ul style="list-style-type: none"> <li>• The purpose and underlying principles of inspection and its statutory basis.</li> <li>• The inspection approach, frequency, and timing.</li> <li>• The evidence that will be used to evaluate providers’ performance.</li> <li>• The activity that will take place before, during and after the inspection, including what providers need to do to prepare and be ready for inspections.</li> <li>• How children, young people, their families, and staff working with them can be involved in the inspection process.</li> </ul> <p>The Handbook is a guide on inspections for Social Work, Fostering, Adoption, Child and Adolescent Mental Health Services (CAMHS) and Independent Reviewing Officer Services. Whilst the Handbook has been written taking account of the needs and requirements of all ten areas of children's social care services new to inspection, the detail will not be applicable to the smaller services.</p> <p>The Handbook covers:</p> <ul style="list-style-type: none"> <li>• <b>Cycle of Activity</b> <ol style="list-style-type: none"> <li>1. <b>Self-Evaluation Report</b> - Services will be expected to complete the self-evaluation three months prior to the inspection.</li> <li>2. <b>Annual Conversation</b> – There will be an annual conversation with the Director General and other senior managers.</li> <li>3. <b>Annual Survey</b>- Service users, staff and families can share their views and experiences of using services.</li> <li>4. <b>Full and Focused Inspections</b> – An inspection is required every 12 months. The benefits of focused and full inspections were discussed.</li> </ol> </li> <li>• <b>Inspection Teams</b> – The Commission will establish mixed inspection teams, including experienced external consultants and directly employed regulation officers.</li> </ul>	

	<ul style="list-style-type: none"> <li>• <b>Inspection Methodology</b> – The Commission will use a blended methodology.</li> <li>• <b>Gathering Evidence</b> – Four sources of evidence including child records, performance data, reviewing documentation and discussions with both leaders, staff, and service users.</li> <li>• <b>Outcome and Publication</b> – An overview of the service will be provided, a summary of the inspection findings, the inspection process and then detailed findings in the current inspection. The report will be shared in draft and published within 28 days of receiving a response from the service provider.</li> </ul> <p>It was also confirmed that the Royal College of Psychiatry will assist the Commission with the first inspection, in October 2023, of Child and Adolescent Mental Health Service (CAHMS).</p> <p>The Chair thanked Alix Cordell for her continuing support of the development of the Inspection Handbook and methodology and for her attendance at the meeting.</p>	
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<b>9.</b>	Annual Report	
	<p>MS presented document 8 and noted the tight timeline for production and publication of the Annual Report. The Annual Report is a working draft, commissioners can provide comments before the final report is approved.</p> <p>The deadline for any changes is 10 April. The Annual Report is required to be with the publishers by 17<sup>th</sup> April. It was noted that if any infographics or formatting changes are requested this could affect costs.</p> <p>The 2022 Annual Report has taken into consideration general recommendations and specific feedback provided by the Comptroller and Auditor General (CAG).</p> <p>It was agreed that the section on governance, should be shared with Tom Walker (TW) with the same deadline of 10 April for any changes. MS to share.</p> <p>The draft Annual Report was agreed and signed off by the Board, with agreement of the final version delegated to the Chair and the CI, to ensure the necessary timescales are met.</p>	

<b>10.</b>	Publication Scheme	
	<p>The Publication Scheme has been reviewed. It was noted that the current scheme and current practice regarding publication of Board papers were not fully aligned.</p> <p>MS highlighted the differences between the aspirations set out in the Publication Scheme and current practice and made proposals for bringing them into line. He highlighted the implications and explained that approved documents would be published at a later date, and that draft documents were not in scope.</p>	



	<p>MS explained that documents relating to a particular Board meeting would not be published until after the minutes were accepted at the following Board meeting, and the minutes would detail exactly which documents were to be published.</p> <p>MS pointed out valid reasons for not publishing selected documents and that the Chair retained discretion to decide whether individual reports, correspondence or documents should not be published.</p> <p>To support the Chair and the Board, a new coversheet had been designed that would indicate which Board papers will be made public. The Board agreed the new template. The timeline of publishing documents was discussed, and publishing will start from the meeting in May 2023, once agreed by the following meeting in July.</p> <p>Documents expected to be published in addition to those already in the public domain, include the register of interests, Chairs report, the CI report (excluding the confidential version), finance update and all project updates.</p>	
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<b>11.</b>	<b>Governance Checklist Arm's Length Organisations (ALO)</b>	
	<p>MS sought the Board's approval to work with SPPP to change the format of the current quarterly report to ensure the Commission provides the necessary assurances to the Accounting Officer.</p> <p>MS provided an example of a Governance Checklist that GoJ is considering introducing for all ALOs. He explained that SPPP is open to developing a bespoke solution that would work effectively for both the Commission and SPPP. The Board agreed this work should proceed via MS.</p> <p>The Chair noted that in future, an independent evaluation of the Commission's governance structures could be conducted. This would ensure all the elements of the governance framework are working effectively, and that any gaps are identified and addressed.</p> <p>The Chair advised that it had been proposed in the meeting with SPPP that a prior benchmarking exercise with a similar sized arm's length organisation Information Commissioners Office (ICO) could be beneficial, and MS is already taking this forward.</p>	

<b>12.</b>	<b>Resume of Key Decisions</b>	
	<p>The Chair asked if all actions had been clearly highlighted or if any needed revisiting. The Board agreed all actions were clear.</p>	

<b>13.</b>	<b>Forward Look</b>
	<p>The Chair presented the Forward Look, document 12. The Chair noted the next meeting on 17 May. It was agreed that the Workshop would be a half day on 16th May.</p> <p>The following was agreed:</p> <ul style="list-style-type: none"> <li>• Extend the invitation to Rob Sainsbury (RS), Director General, to the Workshop in May, to be added to the Forward Look.</li> <li>• Invite Sarah Elliot, Chair of Safeguarding Partnership Board, to the Workshop in May.</li> <li>• Invite Inna Gardiner, Minister for Children, to the Board meeting in May.</li> <li>• Invite Alaistair Jerrom-Smith (AJS) to the Board in May.</li> <li>• Invite Francis Walker (FW) to the Workshop in May.</li> <li>• Invite Anna Hamon to the Board meeting to outline the outcome of the latest Public Consultation on Assisted Dying.</li> </ul>

<b>13.</b>	<b>Any Other Business</b>
	None

**JERSEY CARE COMMISSION**  
Action Points

	Action Point	Owner	Status
	Invite Francis Walker (FW) to the Workshop in May.	The Chair	Completed
	Invite Alaistair Jerrom-Smith (AJS) to the Board in May.	The Chair	Completed
	Invite Rob Sainsbury to the Workshop in May.	The Chair	Completed
	Invite Sarah Elliot, Chair of Safeguarding Partnership Board, to the Workshop.	The Chair	Ongoing
	Invite Inna Gardiner, Minister for Children, to the Board in May.	The Chair	Completed
	Add Benchmarking to the Workshop in September.	LP	Complete
	Add Rob Sainsbury, Director General, to the Forward Look in May.	LP	Complete
	Update risk 4 to reflect progress of services new to regulation.	MS	Complete