

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date and time:	Wednesday 13 September 2023, 9:00 am to 12:35 pm	
Meeting location:	1st Floor, Capital House. 8 Church Street and via Teams	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Lesley Bratch (LB) Kathryn Chamberlain (KC) Jackie Hall (JH) Noreen Kent (NK) Angela Parry (AP) Gordon Pownall (GP)	Commissioner Commissioner Commissioner Commissioner Commissioner Commissioner
Attendees:	Becky Sherrington (CI) Mark Silver (MS) Sarah Elliot (SE) Kezia Lightfoot (KL) Valter Fernandes (VF) Lisa Phillips (LP) Sandra Damiao (SD)	Chief Inspector Head of Business and Performance Chair of Partnership Board (Item 10) Communications, Switch Digital (Item 11) Policy/Standards Writer Executive Assistant – Minute taker Administrator
Apologies:		

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Draft Minutes of Board meeting (19 July 2023) 3. Chair's Report 4. Chief Inspector's Report 5. Finance Report 6. Review of Scheme Delegation 7. Review of Complaints Policies 8. Review of Escalation Policy 9. Risk Register 10. Communications Plan 11. Forward Look
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PART A – PUBLIC SESSION

1.	Welcome, Apologies and Declarations of Interest
	<p>The Chair welcomed everyone to the September Board meeting. There were brief introductions for the new Commissioner, Kathryn (Kate) Chamberlain (KC) and staff member Valter Fernandes (VF), Policy/Standards Writer.</p> <p>The Chair thanked all involved in the workshop on 12 September and mentioned a special thanks to Sebastian Perez (SP) for the preparation and facilitation of the workshop.</p> <p>The Chair asked for any declarations of interest. There were no declarations, but Mark Silver (MS) reminded Commissioners that the register of interests needed completing and there would be an annual review at the end of each year. The Register of Interests is published in the Annual Report.</p>

2.	Minutes of last meeting and Matters Arising
	<p>The minutes of the previous meeting (19 July) were discussed and approved. Angela Parry (AP) proposed, and Gordon Pownall (GP) seconded.</p> <p>Action 1 Amendments to the Board minutes from May 2023; is complete.</p> <p>Action 2 Amendments noted for the Closure Guidance to be considered; is complete.</p> <p>Action 3 Amendment to be made to KPI 2.3 Comments to be reworded: ‘Inspection reports, policies and other information is all published on the Commission website’ to include those who cannot use a website; is complete.</p> <p>Action 4: Regulation of Individual Home Care Workers removed from the Forward Look; is complete.</p> <p>Action 5 The Chair to share the BDO recommendations with commissioners; is complete.</p> <p>Action 6 - The Head of Business and Performance will investigate the Government of Jersey's emergency plan in the event of an emergency at a care home where the Government is not the service provider; is complete. MS provided an update to the Board.</p> <p>Action 7 The Chief Inspector (CI) to share the BDO Advisory Review Report from September 2021 with the Board; is complete.</p> <p>The Chair requested an update on the Inspection Report Template and the House Style Guide. The CI confirmed that the Inspection Report Template and House Style Guide were being taken forward by the Deputy Chief Inspector (DCI) following a handover from the former (DCI). The current DCI will meet with the team to discuss the process. The intention is to make Inspection Reports both easy to read and audit in the future.</p>

	Action; - The Revised Inspections Report Template and House Style Guide will be brought to the Board for approval in February 24.	
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3.	The Chair's Report	
	<p>The Chair presented his report, Document 3, and highlighted the following:</p> <p>The Quarter 3 meeting with SPPP took place on September 11. Copies of the minutes of the previous (01 June) meeting were circulated.</p> <p>The Chair advised that the Government planning cycle is a three-year rolling cycle. There is no requirement for an additional budget build, providing the current three-year plan remained the same. Any resource dependent variations will require a specific business case. Each department is working towards efficiency savings to be applied across the board.</p> <p>The costs associated with the online professional registration project were discussed. As the Commission is anticipating an in-year underspend, it is likely this will be applied to non-recurring project costs. An update on progress will be provided at the November Board meeting.</p> <p>Various regulatory matters were discussed with the Accounting Officer, Tom Walker (TW) and an update on the Commission's work on strengthening internal Governance was provided.</p>	

4.	The Chief Inspectors Report	
	<p>The Chief Inspector (CI) presented Document 4.</p> <p>The part time Pharmacist role was discussed. It was noted that the DCI is the Pharmacist's line manager, and they are providing support to the team and sector.</p> <p>Authorities in both the Cayman Islands and in Bermuda have approached the CI to explore with the Commission the role of an independent regulator for health and social care, following a recommendation from the Care Quality Commission (CQC).</p> <p>The CI met with Guernsey's Director of Care Delivery about the work of the Commission. The CI offered advice and support. It was noted that contact is being kept open with the Isle of Man. Currently, the Regulation of Care (Jersey) Law does not specifically permit the Commission to carry out inspections in other jurisdictions. This has been raised with Francis Walker (FW) and is under review.</p> <p>The use of independent consultants to support the upcoming inspections for children's services were discussed. The CI explained how they are to be used and confirmed that plans <u>are in</u> place to ensure their experience will be used to upskill Commission staff.</p>	

	<p>The CI advised that two staff members will be attending the European Partnership in Supervisory Organisations (EPSO) conference in Cardiff. KC offered support and to facilitate contact with the Healthcare Inspectorate Wales (HIW), as the conference will be hosted by HIW.</p> <p>A meeting has been scheduled on September 14 to discuss the project plan and timeline for the rollout of new regulations for the hospital, mental health and ambulance services.</p>	
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5.	The Financial Report	
	<p>The CI presented Document 5 and provided an outline of income and expenditure for the year to date (August 2023). There is currently an underspend of £215k, which is mainly due to recruitment timing, and some planned costs not expected to take effect until the end of the year. The full year variance is a forecast underspend of £320k</p> <p>There will be recurring cost around licencing with Modernisation and Digital in respect of the digital professional registration project.</p> <p>The Commission has overachieved in income, and the fees have been raised for all services. However, following an internal review, it was noted that some fees were outstanding. This is due to the change in the Government financial system and processes used to levy fees. Lisa Phillips (LP) is working with Treasury and SPPP finance partners on the best way to ensure that all outstanding fees are paid.</p> <p>The CI continues to meet once a month with the Commission's Finance Business Partner and will be meeting again this week to begin to map out the 2024 budget.</p> <p>The CI updated the Board regarding the purpose of the expenditure of £2,475 in respect of 'Temporary Personal Services'. This was due to the purchasing of annual leave.</p>	

6.	Review of Scheme of Delegation	
	<p>The CI presented document 6.</p> <p>It was noted that consistency should be applied across all policies in respect of introductory information provided about the role and purpose of the Commission. Changes to the Escalation and Enforcement Policy would need to be reflected in the revised Scheme of Delegation.</p> <p>The Chair raised a concern regarding page 4 under Delegation to Nominated Officers. He proposed an amendment to the wording 'Delegates'; this to be</p>	

	<p>amended to 'Delegated Decision Maker'. The Delegated Decision Maker would usually be the Chief Inspector, Deputy Chief Inspector or Head of Business and Performance.</p> <p>The Board highlighted that the CI should be supported in delegated decision-making and have the Board's full support. The CI noted that the Board will always receive a briefing on decisions that would have a legal, financial or reputational impact.</p> <p>Noreen Kent (NK) highlighted that the document needed to align with the legislation. The CI confirmed that the policy had been revamped last year following the law office department's (LOD) advice. NK noted a few changes and will forward comments to the CI for consideration.</p> <p>Lesley Bratch (LB) highlighted that the introductory paragraphs in some policies differed when covering general issues such as the role and purpose of the Commission and asked for consistency across documents in this respect.</p> <p>The Chair highlighted that the latest amendment to the Law, the Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations 2022 needed to be specifically referenced under the Legislation section.</p> <p>The CI noted that a further and more in-depth review was required, as the Commission had expanded its remit since the original Scheme was written and there are now additional areas of regulation and aspects relating to financial decision making that need to be included.</p> <p>It was agreed that a more detailed review would take some time to complete, and the Board requested that the amended version be presented in September 2024.</p> <p>Action Amended Scheme of Delegation to be brought to Board for approval in September 2024.</p>	
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7.	Review of Complaints Policies	
	<p>MS presented Documents 7.0, 7.1 and 7.2. The Commission has separate policies dealing with complaints about the provision of care and complaints about the Commission itself. These policies had been updated as part of their stated review cycle, to address a number of minor issues that had arisen.</p> <p>MS highlighted that the exact wording from the Regulation of Care (Jersey) Law about the Commission's responsibility 'to ensure that complaints about registered services are dealt with and appropriately investigated' was now used.</p> <p>The policy regarding complaints about service providers clarifies that complaints about the provision of care should be made to the care provider in the first instance. The policy also clarifies the Commission could support those who might want to make</p>	

a complaint to a care provider, but that this would be in a neutral capacity, to ensure voices are heard, rather than acting as an advocate.

The policy also addresses how the Commission will deal with anonymous complaints. The Commission will still consider anonymous complaints to determine whether it is appropriate to investigate the concerns raised or to consider the information as intelligence to inform the inspection process.

The policy clarifies that complaints about unregulated activities, i.e. services that the Commission does not regulate, cannot be investigated, as opposed to services which meet the definition of a regulated activity but remain unregistered, which the Commission can investigate.

The policy makes clear that the Commission's role is to ensure that complaints are appropriately investigated and this means that where effective complaints processes are already in place, for instance in Government of Jersey (GOJ), the Commission is likely to consider its obligation fulfilled by making sure that any complaint to the provider has been handled in accordance with the providers own policy.

Clarification was added to explain that it is up to the Commission to determine its role where other regulatory or investigatory organisations have a remit to be involved in complaint investigations. The Commission may run a parallel investigation and does not need to await the outcome of another organisation's investigation before commencing its own complaints investigation process.

MS clarified the Commission's role with professional regulatory bodies. The policy states that the Commission may refer people to their professional regulatory body when someone is a registered practitioner involved in health or social care provision in Jersey.

The information leaflet describes how to complain against a care provider. MS advised that a general information leaflet about what the Commission does, with a specific section dealing with complaints investigations, would be more helpful.

There is a dedicated page on the Commission's website entitled 'Concerns and Complaints', which provides a user-friendly guide to making complaints. The Commission intends to provide further guidance in child friendly formats.

Angela Parry (AP) highlighted the benefits of easy-read documents and asked that these be accessible for all. Commissioners agreed the need to invest time and resource in improving its catalogue of easy read documents.

The CI advised the Board that the Commission signposts complainants in the right direction, if required, and ensures that complaints are investigated appropriately by

	<p>the Commission or by another statutory body. The Commission often mediates between the regulated activity and the complainant.</p> <p>LB noted the need for standardisation and consistency of policy documents. MS will review this going forward.</p> <p>The purpose of the review panel was discussed and Board members noted that the panel would be required to review the investigation process and outcome of a completed investigation, not to conduct a separate investigation. The principle highlighted throughout the policy is that complaints investigations are initially handled internally, with the option to use an independent expert at stage two, as and when required.</p> <p>The Board approved the policy amendments subject to a final review by the Chair to take into consideration the points raised in discussion. The Board agreed to place the complaints policies on a three-year rolling review cycle, noting that they can be brought back to Board sooner, as required..</p>	
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8.	Review of Escalation and Enforcement Policy	
	<p>The CI presented Documents 8.0 and 8.1, explaining the policy had undergone significant review last year. Amendments were made to job titles and to include Children's Services.</p> <p>The CI explained the Escalation and Enforcement Policy and the Scheme of Delegation now contained some inconsistencies around the role of Commissioners in decision taking at representation stage, which would need to be addressed. The inconsistencies with regard to introductory information will also be addressed.</p> <p>Gordon Pownall (GP) noted that on page 23 the sentence could be strengthened 'The Commission has an expectation that registered person(s) will inform people who use services of any enforcement action taken' to read, 'The Commission requires...'</p> <p>By law, the inspection report and any improvement notices must be published. The Commission publishes both and makes any discretionary condition applied to a regulated activity publicly accessible.</p> <p>The Board discussed whether providers should also be required to notify service users that a discretionary condition had been applied, or if an Improvement Notice had been issued. The Chair advised that if this was a mandatory requirement, it needed to be referenced within the relevant Law or Regulations.</p>	

	The Board agreed that the Escalation and Enforcement policy should be reviewed on a three-year cycle.	
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9.	Risk Register Update	
	<p>The Head of Business and Performance presented Document 9 and provided the Board with an update on the risk register.</p> <p>The risk identification system is due to be reviewed for the next Board meeting to ensure each risk has a unique identifier.</p> <p>Risk 1: (Data Governance) A planned review of data governance is to be scheduled. Memoranda of Understanding (MOUs) are in progress. Data Protection Impact Assessments, Data Sharing Agreements and other vital controls are being implemented. Full assurance can be provided once a detailed governance review has been undertaken. Until then, the risk remains stable and an overall 9.</p> <p>Risk 2: (Engagement with Providers in Regulation and Inspection) The Risk will remain monitored until there is certainty around rollout of Inspections and any impact on the Commission’s objectives. Good progress continues, and the likelihood remains 2. The impact is now assessed as 3.</p> <p>Risk 3: (Fitness to Practise Process). The risk remains stable and an overall 12. MOU’s with regulatory bodies have been drafted but formal approvals are awaited.</p> <p>Potential Risk 4: (Action to protect the public pending Fitness to Practise hearings by Professional Regulatory Bodies). A new risk was discussed. A more accurate short description was agreed to reflect the range of options and issues. MS to note the change. The Board agreed the risk should be added to the risk register as Likelihood 3, Probability and Impact 4.</p> <p>Potential Risk 5: (Regulatory/Reputational Home Care Services provided by a Minister). The risk is considered unique and highly unlikely to occur again. Therefore, this is best managed as an issue in the context of the on-going review of the Regulation of Care (Jersey) Law and does not need to be included in the corporate risk register. The Board agreed.</p> <p>Potential Risk 6: (Independent Complaints Process) As there are very low levels of complaints about the Commission, it was decided that this does not need to be included in the corporate risk register. The 'Complaints against the Commission' policy has also been redrafted to reflect that, in most cases, the Commission will consider complaints through an internal investigatory process, but the option of appointing an external investigator, as and when required, remains available.</p>	

	<p>Potential Risk 7: (Complaints Reputational risk) As the Complaints Policy is under review, it was considered these points can be addressed in the course of that review, and, therefore, this risk does not need to be included on the corporate risk register.</p> <p>Risk 8 (Capacity) has been closed following the decision at the July Board.</p> <p>Potential Risk 9: (Single Assurance Framework) The risk has been highlighted to the Board in July. It was noted that sources of assurance were in place for most areas of risk, even if a single comprehensive assurance framework still needs to be implemented. While the need for the single assurance framework is required, the risk is assessed as remaining stable and therefore, the current assessment remained the same. This risk was assessed as Unlikely to occur (2) with Medium impact (3).</p> <p>KC noted that ‘risks’ implies negative consequences. She noted it may be helpful to develop the risk framework to reflect uncertainties that may present positive opportunities. The Chair thanked KC for her comment.</p>	
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10.	Sarah Elliot, Chair of Partnership Board
	<p>Sarah Elliott (SE), Independent Chair of the Safeguarding Partnership Boards, joined the Board meeting via Teams. The Chair welcomed SE, and there were brief introductions.</p> <p>SE explained the role of the Safeguarding Partnership Boards and its responsibilities, including priorities for 2023. SE described the outcomes of working with the Commission.</p> <p>The Chair thanked SE for attending the Board meeting. It was noted that SE is coming to the end of her tenure, and the Board wished her all the best for the future and thanked her for her particular contribution to Safeguarding in the Island.</p>

11.	Communication Planner
	<p>The chair welcomed Kezia Lightfoot (KL) to the meeting by Teams. There were brief introductions.</p> <p>KL described the Care Conversation campaign that is in the process of being worked up with the Commission.</p> <p>The main objectives were highlighted as:</p> <ul style="list-style-type: none"> • To demonstrate the value of regulation to the community, service providers and service users. • To create a video featuring feedback from Jersey providers and service users of children’s health and social care on their experiences of regulation and how they have engaged with the services. • To reach a wider section of our target audience.

	<ul style="list-style-type: none"> • To grow our social media following. • To enhance our social media reach and engagement. <p>A copy of the press release is to be shared with Commissioners by email.</p> <p>The Chair thanked KL for her input and noted the qualitative improvements in the Commission’s social media presence in particular.</p> <p>LB thanked KL. LB noted that Home Care providers, specifically those supporting young people in the community, have not been included in the list of those approached to appear in the video</p>
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12.	Forward Look
	<p>The next Board meeting in November will include:</p> <ul style="list-style-type: none"> • Draft 2024 Business/Financial Plan • Review of Inspection Policy • Review of Inspections of Social Work / Social Care Services for Children and Young People – to be covered in the Chief Inspectors Report. • Data governance and compliance with GDPR – deferred until February 2023 • Alastair Jerrom-Smith to update the Board on professional registration. • Francis Walker – amendments, or proposed amendments, to the Regulation of Care Law and amendments to medical practitioner law. • Project Plan and timeline for the new regulation of hospital, ambulance, mental health services.

13.	Key Decisions
	<p>The publication of papers following the meeting was discussed. It was confirmed that the following papers would be published:</p> <ul style="list-style-type: none"> • Chief Inspector’s Report • Chair's Report • Forward Look • Complaints Policies • Escalation and Enforcement Policy <p>Some other key decisions to note:</p> <ul style="list-style-type: none"> • Review of Scheme of Delegation – To be presented to the Board in September 2024 • Three-year cycle agreed for Complaints policies; if the Office of Ombudsman is established in Jersey, then the policies would be reviewed sooner. • Escalation and Enforcement policy to be reviewed on a three-year rolling cycle. • Governance review to be revisited with SP in February 2024.

JERSEY CARE COMMISSION
Action Points

	Action Point	Owner	Status
1	Review of consistency across the Scheme of Delegation Policy and amendments recommended.	The Chief Inspector	Complete
2	A review of Legislation or Standards to establish if the registered manager is required to inform people who use services of any enforcement action taken.	The Chief Inspector	Complete
3	Review of corporate policies to ensure consistency in common information.	Head of Business and Performance	Complete
4	A copy of the press release by Switch Digital to be shared with Commissioners by email	The Chief Inspector	Complete