

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date and time:	Wednesday 7 February 2024, 08:45 am to 12:35 pm	
Meeting location:	1st Floor, Capital House. 8 Church Street and via Microsoft Teams	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Lesley Bratch (LB)	Commissioner
	Kathryn Chamberlain OBE (KC)	Commissioner
	Jackie Hall (JH)	Commissioner
	Noreen Kent (NK)	Commissioner
	Angela Parry (AP)	Commissioner
	Gordon Pownall (GP)	Commissioner
Attendees:	Becky Sherrington (CI)	Chief Inspector
	Mark Silver (MS)	Head of Business and Performance
	Fiona McLaughlin (DCI)	Acting Deputy Chief Inspector (Item 6)
	Valter Fernandes (VF)	Principal Standards Officer (Item 11)
	Nina Greentree (NG)	Regulation Officer (Observer)
	Lisa Phillips (LP)	Executive Assistant – Minute taker
	Sandra Damiao (SD)	Administrator
Apologies:		

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Draft Minutes of Board meeting (15 November 2023) 3. Chair's Report 4. Chief Inspector's Report 5. Finance Report (2 papers) 6. Inspection Policy and House Style Guide (2 Papers) 7. Data Governance Review 8. Business Plan and KPIs 9. Risk Register (2 papers) 10. Annual review of Risk Framework 11. Project Plan and First Draft of Standards for Services New to Regulation (2 papers) 12. Forward Look 2024
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PART A – PUBLIC SESSION

1.	Welcome, Apologies and Declarations of Interest
	<p>The Chair welcomed everyone to the first Board meeting of 2024.</p> <p>The Chair congratulated Dr Kate Chamberlain (KC), on the award of an OBE in the New Year's Honours list and on her appointment as Lead Independent Non- Executive Director to the Board of the Wales Office.</p> <p>The Chair welcomed Nina Greentree (NG), Regulation Officer, who took up her appointment in November. Nina introduced herself and outlined her previous background and experience.</p> <p>There were no new declarations of interest to note.</p> <p>It has been confirmed that all members of the Board had updated the register of interests in January 2024.</p>
2.	Minutes of the last meeting and Matters Arising
	<p>The minutes of the previous meeting (15 November) were discussed and approved. Jackie Hall (JH) proposed, and Angela Parry (AP) seconded. The actions from the previous meeting were reviewed.</p> <p>Action 1 The new risk 7/2023 (Representations) requires further consideration to demonstrate that the existing policy on Escalation and Enforcement applies equally to any representations in matters relevant to conditions of professional registration and the rationale behind decision-making. This action is ongoing, and legal advice and consultation will be needed. The Chief Inspector advised that the existing Representation Guidance has been reviewed. The CI will continue to work on this and will be assisted by a newly appointed legal advisor. A further update will be provided to the Board in July.</p> <p>Action 2 Amendments noted for The Inspection Policy (to be reviewed in a Board workshop).</p> <p>Noted as completed.</p> <p>Action 3 Amendments noted for the risk register.</p> <p>Noted as completed.</p> <p>Action 4: First draft of Standards to be shared with the Board.</p> <p>Noted as completed.</p>

	<p>Action 5: The Commission will respond to the public consultation of professional regulation.</p> <p>This action had been paused following the November Board. The Commission will respond to the consultation. The Chair will share the draft response with commissioners. The closing date is at the end of February.</p>	
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3.	The Chair's Report	
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	<p>The Chair presented his report, Document 3, and highlighted three points in particular:</p> <p>Quarterly Liaison Meeting with SPPP</p> <p>The Chair shared the dates of the planned liaison meetings with Strategic, Policy, Planning and Performance (SPPP) and invited any interested commissioners to attend by Teams:</p> <ul style="list-style-type: none"> 21 March 2024 20 June 2024 24 September 2024 11 December 2024 <p>Lesley Bratch (LB) has confirmed she will be attending the March meeting and Gordon Pownall (GP) confirmed he will be attending the December meeting.</p> <p>The Chair requested commissioners to make arrangements to attend via the Business Support Team and to contact Lisa Phillips (LP) with availability.</p> <p>Assisted Dying</p> <p>The CI provided an update of a meeting with the European Partnership for Supervisory Organisations (EPSO) in the workshop on 6 February. The Assisted Dying Policy Lead has provided a draft copy of the Assisted Dying Proposals Report, which takes account of the ethical review and consultation feedback, which had been previously circulated.</p> <p>It was confirmed that there was nothing further that the Commission needed to say in respect of the section on regulation before the report is presented to the States Assembly. The Chair will confirm to the Policy Lead, that the Commission is content that the report contains an accurate representation of its views on regulation of assisted dying.</p> <p>Political Developments</p> <p>The Chair advised that Deputy Steve Luce is the newly appointed Minister for the Environment. The Chair and the CI have scheduled an introductory meeting with the Minister this week. The Commission will invite the Minister to the May Board.</p>	
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4.	The Chief Inspectors Report	
	<p>The Chief Inspector (CI) presented Document 4.</p> <p>Workforce</p> <p>The Chair updated the Board with progress on recruitment of regulation officers and highlighted the following:</p> <p>NG commenced as a regulator officer in November 2023.</p> <p>Two regulation officer vacancies were advertised on 16 January 2024, focusing on mental health experience.</p> <p>Two business support administrator roles have been appointed, to commence in March 2024.</p> <p>In preparation for new areas of regulation, one permanent part-time legal advisor has been appointed and will commence in March 2024 and be based within the Law Officers Department.</p> <p>The expert independent consultants continue to support the implementation of the inspections of children's social care, independent reviewing officers (IRO), and fostering and adoption.</p> <p>The Commission continues working with the Project Manager leading the registration/digital project, working twice weekly during 2023 and into 2024. The Project Board continues to monitor progress towards implementation.</p> <p>Inspections and Regulatory Activities</p> <p>As part of the Commission's statutory duty, all 105 planned regulatory inspections had taken place by December 2023. A total of 117 inspections took place in 2023, as some care providers were visited twice.</p> <p>A total of 9 Yellow Fever Centres have registered; a report for the Minister of Health and Community Services is being prepared and will be sent by the end of January.</p> <p>Professional registration for 2024 has been completed by all health and social care practitioners working in Jersey.</p> <p>The Commission's annual feedback survey demonstrates good relationships are being maintained between the Commission and those that are regulated. The survey results will be published later this year.</p>	

Children's Services

Children's Services new to regulation in 2023 included Children's Homes, Contact Centres, Social Work Services, Independent Reviewing Officers (IRO), Fostering, Adoption, Child & Adolescent Mental Health Service (CAMHS), Care in Special Schools, Family and Community Nursing. All have registered with the Commission and various services have already been inspected, with further inspections scheduled in 2024. Inspection reports of Social Work Services and CAMHS are being published in February.

The CAMHS inspection report has been shared with the provider and will be published in mid-February 2024.

The inspection report for Children's Social Work and Independent Reviewing Officers (IRO) has already been published.

The inspection report for Care in Special Schools will be published week commencing 12 February.

Inspections of children's homes are ongoing and are making good progress.

The Child Contact Centre, Children and Family Community Nursing, Fostering, and Adoption inspections are scheduled for 2024.

The CI praised the Team for the work involved in developing the Standards, arranging the inspections, and in preparing the reports. Commissioners noted the significant effort in getting to this point and acknowledged the achievements of all involved.

It was proposed that the responsible persons for the services new to regulation be invited to a future workshop to discuss their experiences and any lessons learned following registration and inspection.

The draft hospital, ambulance, and mental health regulations were briefly discussed. It was confirmed that the CI is meeting with Deputy Tom Binet, Minister for Health, who will be invited to a future Board.

Communication / Media Interest

The CI continues to meet weekly with Switch Digital to track progress on the communications plan and to agree weekly public communications.

A statement for the media has been developed following the recently published inspection reports. There will be no proactive press release from the Commission, as the inspections of children's social work services are now deemed 'business as usual'.

A project for communication planning for further planned amendments to the Regulation of Care (Jersey) Law to bring hospital, ambulance and mental health services into scope of regulation is in progress.

Modern Slavery Position Statement

The CI and Acting Deputy Chief Inspector (DCI) met with Friends of Africa, Jersey; they expressed that there is learning around recruitment and retention of professionals from the Caribbean and Africa, and there is an opportunity to work with other agencies such as police and employers who do this well.

Piercing and Tattooing Code of Practice

The Regulation Team has reviewed the Piercing and Tattooing Code of Practice, and the updated code has been published following a targeted consultation.

Digital Registration Project

The Commission continues to work with the project manager on the digital project. Weekly Board meetings continue. The planned go live date has been revised, due to final sign off processes to ensure the system is secure and there is no adverse impact on the existing IT infrastructure. The project manager is working with the Business Support Team throughout quarter one of 2024 to support implementation of the software. Testing is scheduled for 15 February, and the revised go-live date is now 20 March 2024.

Preparations for Amendments to Regulation of Care (Jersey) Law 2014

Preparations for amendments to the Regulation of Care (Jersey) Law 2014 are at an advanced stage. It is anticipated that the recent changes of Ministerial portfolio may impact on the timeline.

The CI and the Principal Standards Officer meet with the Care Quality Commission (CQC) on a monthly basis as part of the preparations to undertake regulation of the areas highlighted in the amended draft Law.

Rheumatology Report Published, Government of Jersey

The CI informed the Board of the publication of the report of an investigation of issues in the Rheumatology department of the hospital. This led to a discussion about the rigour of the proposed inspection methodology for the hospital.

5.	The Financial Report	
	<p>The CI presented Document 5.</p> <p>The CI noted a new Finance Business Partner had been appointed. The CI presented a report as at December 2023 and outlined income and expenditure in Q4 and the end of year position as at 31 December 2023.</p> <ul style="list-style-type: none"> • There is an underspend relating to the 2023 growth investment for future staffing. The CI advised that recruitment is ongoing, as the Commission had adopted a phased approach to recruiting new roles. • There had been an over achievement in expected Income. • Tracking expenditure and management of the budget was discussed. Kate Chamberlain (KC) will provide a template that she had used in a previous setting to the CI. It was noted that the budget position is reviewed every month. <p>The Head of Business and Performance (MS) will liaise with Treasury regarding the format of the year-end accounts to be included in the Annual Report.</p> <p>The CI noted a period of uncertainty in 2024 and beyond due to the reduction in budget of 3.69% as a consequence of amendments made to the Government Plan. The CI noted concerns that, other than provision for independent legal advice, there is no contingency in the budget for any unexpected costs.</p> <p>There was a detailed discussion about the implications of the proposed budget amendments for the work of the Commission. Commissioners noted the one off proposal to address the adjustment in year, but noted that this measure does not address the recurring impact of the adjustment and will require further and more detailed consideration in discussion with SPPP.</p> <p>The Board expressed that they were extremely concerned about the impact of the budget amendments on the ability of the Commission to carry out its function in future years. The Chair noted that the Board needs to ensure that the CI has the capacity and resources required to meet new regulations and inspections of the hospital, ambulance and mental health services. The Board requested that the budget and the implications of the reduction be discussed at the next liaison meeting with SPPP.</p>	

6.	Update on Inspection Report and House Style Guide	
	<p>The Acting Deputy Chief Inspector (DCI) presented document 6.</p> <p>The House Style Guide was amended to provide consistent and concise guidance to the Team. Appendices and telephone guidelines have been removed. The regulation officers have been trialling the revised guide, and the feedback has been positive, describing the changed version as user-friendly and easy to navigate. A scribble sheet was suggested to be added to note any proposed changes in real time. A quarterly review meeting will be scheduled to allow any changes to be made on a regular basis. The DCI requested any further comments from Board members to be made by 21 February. The next scheduled review date by the Board will be in February 2027. Angela Parry (AP) noted that the guide is clear, simple, and easy to follow. The Board approved the guide, subject to DCI’s consideration of any additional feedback provided by Commissioners up until 21 Feb 2024.</p> <p>The Inspection Report Template has been reviewed. The template is required to be user-friendly for the public. The DCI noted some changes to be made since the review, such as the tick and cross images, should be removed as this could be perceived negatively. The Chair suggested consideration of a red, amber, green ‘rag’ rating system instead. The DCI will consider this. Highlighting areas of good practice will be considered in more detail.</p> <p>The DCI advised that the next steps are to pilot the revised format in quarters one and two of 2024, obtain feedback, and return to the Board in quarter three with the final version to be approved.</p> <p>Any comments on the current version are to be submitted by 21 February.</p>	

7.	Data Governance Review	
	<p>The Head of Business and Performance (MS) presented document 8.</p> <p>MS conducted a detailed data governance review as part of the broader assurance process. The essential elements of data governance are captured in the Assurance Framework.</p> <p>MS detailed the ratings that have been applied to several aspects of data governance and summarised the assessment with brief details on each area:</p> <ul style="list-style-type: none"> • Cyber Security Assessment • IT Services/Systems • Document/Controls • Memoranda of Understandings (MOUs) • Data Protection Impact Assessments (DPIA) • Data Sharing Agreements (DSA) and Data Processing Agreements (DPA) 	

	<p>The Board approved the format of the data governance review.</p> <p>It was confirmed there are processes to manage conflicts of interest, or to restrict access to documents to certain Team members when needed.</p> <p>KC highlighted the retention policy and asked for assurance that the policy is being applied appropriately. KC also asked about near miss data breaches and it was confirmed that these are included in the Data Incident Log.</p> <p>The Board confirmed they were content with the assurances provided and the actions identified to strengthen data governance.</p>	
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8.	Business Plan and KPI sign off	
	<p>MS presented Document 8.</p> <p>MS noted that more detail has been added since the November Board meeting. An annual delivery plan will follow.</p> <p>There are seven higher-level Key Performance Indicators (KPIs); underneath each KPI are the measured deliverables. The Chair noted that this covers the essential areas of business for 2024 and there are no obvious gaps or omissions.</p> <p>The Business Plan will be shared with Commissioners in February to enable any further and final comments for consideration.</p> <p>KC noted that as Jersey is a small Island, people can be staff members and / or users of a care service.</p> <p>KC highlighted that setting targets at 100% may lead to failure in meeting a particular KPI. MS will consider this further.</p>	

9.	Risk Update	
	<p>MS presented Document 9 and updated the Board on the risk register.</p> <p>06/23 UK professional regulatory bodies and Fitness to Practise Action (FTP) Making good progress. 1 MOU is signed and another has been agreed. This risk is now assessed as Unlikely 2 with Impact remaining Medium (3), meaning it would remain on the list of monitored risks but is not expected to require active Board intervention.</p> <p>07/23 Lack of defined processes and differing legal frameworks around Representations The current risk assessment remains the same. Risk remains Likelihood 3 Impact 4.</p>	

08/23 Impact of new (and differing) Standards and inspection approaches by partners for hospital, ambulance, and adult mental health services

Overall risk remains the same, Likelihood 3 Impact 3; overall 9. This remains a major piece of work with the potential for reputational harm if there are significant delays. The Commission has experience in developing new Standards and implementing inspections for new areas of regulation. It is anticipated that piloting the standards and inspection methodology in areas new to regulation in 2025 will provide an opportunity to realign inspection methodologies across all regulated activities.

09/23 Critical Incident - role of the Commission

Proposed to reduce this risk to Likelihood 2 Impact 3; overall 6. The CI has confirmed roles and responsibilities and escalation of issues with Government of Jersey Departments.

01/24 Potential New Risk - Cyber Security

The new risk is proposed a rating of Likelihood 2 Impact 4; overall risk 8. In view of active mitigation and the role of Government of Jersey in maintaining most IT infrastructure this rating was agreed.

02/24 Potential New Risk - Impact of Budgetary Pressures on work of Commission

A new risk was proposed. It was agreed that the risk should commence with a scoring of Likelihood 2 and impact 4; overall rating 8. This risk will be kept under review as new information emerges about the Government Plan and the potential for further efficiency savings in 2025 and beyond.

3/24 Potential New Risk; Impact of Negative incident following Inspection

The Board accept this is a constant risk, but identified additional mitigation actions that could be taken. The Likelihood rating was agreed as 2 with Impact 4, although in individual circumstances the impact may be lower.

The Risk Management Framework (RMF) and risk processes are reviewed annually to ensure effective risk management. MS had reviewed the RMF and made some minor changes to reflect best practice. He had also analysed the risk discussions and register and said they indicated risks are being actively managed, there is meaningful challenge and discussion at both Board and at Team level.

AP noted that the risk paper presented at each Board was easy to follow and understand. The Board noted that risk management appeared to be operating effectively and agreed the proposed changes to the register.

10.	Update on Annual Report
	<p>MS presented document 10.</p> <p>A review of the 2022 report by the Comptroller and Auditor General (CAG) had scored the report as achieving 91% of CAG criteria for Annual Reports.</p> <p>It was confirmed that the report is aimed at meeting the needs of Islanders, staff and the care sector, as well as meeting statutory requirements. MS referred to areas where he felt some further improvements could be made. The report will be in the same format as last year, and the timeline has already been set. The draft version will be with the Board for approval in March, with final sign off in May. The CI and the Chair will consider any further comments from commissioners.</p> <p>It was noted that engagement events and other activities, such as care service visits, should be covered in the report, particularly any photographs taken at the May engagement with registered providers (with appropriate permissions).</p> <p>Noreen Kent (NK) highlighted that the report was published late in June and, whilst noting this to be within the required timeframe, proposed that in future the Annual Report be approved at an earlier Board. MS will consider this.</p>

11.	Project plan for service new to regulation (Hospital, Ambulance and Adult Mental Health Services)
	<p>The Principal Standards Officer (VF) joined the Board meeting. The Chair welcomed VF and thanked him for the more detailed presentation during the workshop on 6 February.</p> <p>VF assured the Board that following a review of UK and International Standards, the draft Jersey Standards are being written and adapted to the local setting. During the workshop, VF had showcased the structure of the Standards and the universal indicators and the intention to assure care providers that the inspection model will fit Jersey well into the future.</p> <p>VF welcomed comments or suggestions in the next two weeks before finalising the Standards. Engagement events and a communications plan are to follow.</p> <p>The Chair noted that an easy-read version of the Standards is essential. He suggested that this be aimed at people who use services and should highlight the 'I' statements. In response to a question about an Inspection Handbook he was advised that this will be developed later in the year.</p> <p>The relevance and ability to measure Standard 35 was discussed, as was whether some of the draft standards could be rationalised to reduce duplication. VF will consider further, following receipt of commissioners' comments.</p>

	<p>The Chair noted that some statements in the Standards did not have corresponding indicators in the following tiers. VF explained that some indicators will be service specific and these will be developed in consultation with providers at a later stage.</p> <p>VF noted that the Single Assessment Framework was one part of the regulatory framework and would be used in conjunction with other tools, such as data collection and analysis, use of notifications, and relationships with the provider, to assist in obtaining the whole picture.</p>
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12.	Forward Look
	<p>The Forward look was discussed. The following was agreed:</p> <ul style="list-style-type: none"> • Invite Communications Lead to the March Board • Assisted Dying Policy Lead update to be removed from the Forward Look • Invite the Head of Finance Business Partnering/Finance Business Partner to the March Board • Invite the project manager of the digital project to update the May Board • An engagement event has been scheduled for the May workshop. Details will follow • Invite the Minister for the Environment to address the board in May • Invite the Director of Children’s Services to the workshop to provide feedback on inspection • Invite the Minister for Health to the Board in July • Add Review of Constitution to July • Invitation to the Safeguarding Partnership Board in September • Invitation to the Minister of Children’s Services in September <p>The Chair thanked everyone for attending the meeting. The meeting closed at 12:35.</p>

JERSEY CARE COMMISSION

Action Points

	Action Point	Owner	Status
1	The new risk 7/2023 Representations requires further consideration in consultation with LOD.	The Chief Inspector	Ongoing
2	The Chair's Report to be renumbered before being published.	Lisa Phillips	Complete
3	Amendments to be made to the Finance Report. To be saved in Teams.	Lisa Phillips	Complete
4	Commissioners to confirm with LP whether they would like to attend SPPP meetings.	Commissioners	Ongoing
5	The House Style Guide and Inspection Template to be shared with the Board, once amendments are made.	Lisa Phillips	Complete
6	The Commission will respond to the public consultation. The Chair to share response with commissioners.	The Chair	Complete
7	MS to number pages of the Business Plan and share with the Board for any further comments.	Head of Business and Performance	Complete
8	VF to share the draft Standards with the Board for further comments.	Lisa Phillips/Valter Fernandes	Complete
9	Amendments to be made to the Forward Look.	Lisa Phillips	Complete