

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date and time:	Wednesday 22 May 2024, 09:00-12:30	
Meeting location:	1st Floor, Capital House, 8 Church Street	
Meeting chair:	Glenn Houston (GH)	Chair
Those present:	Lesley Bratch (LB) Kathryn Chamberlain OBE (KC) Jackie Hall (JH) Noreen Kent (NK) Angela Parry (AP)	Commissioner Commissioner Commissioner Commissioner Commissioner
Attendees:	Becky Sherrington (CI) Mark Silver (MS) Francis Walker (FW) Alaistair Jerrom-Smith (AJS) Valter Fernandes (VF) Ian Dyer (ID) Ewa Robert (ER) Lisa Phillips (LP)	Chief Inspector Head of Business and Performance Government of Jersey (GOJ) Policy Lead (Item 6) Finance Business Partner (Item 8) Principal Standards Officer (Item 10) Regulation Officer Administrator Executive Assistant – Minute taker
Apologies:	Gordon Pownall (GP)	Commissioner

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Draft Minutes of Board meeting (27 March 2024) 3. Chair's Report 4. Chief Inspector's Report 5. Finance Report (2 papers) 6. Commission response to Consultation on amendments to the Regulation of Care (Jersey) Law (2014) 7. Project Manager Digital Project Update (2 Papers) 8. Risk Register (2 papers) 9. 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 meeting, particularly new staff members Ewa Robert (ER), Business Support and Ian Dyer (ID), Regulation Officer. There were brief introductions.</p> <p>There were no new declarations of interest to note.</p>

2.	Minutes of the last meeting and Matters Arising
	<p>The minutes of the previous meeting (27 March) were discussed and approved. Kate Chamberlain (KC) proposed, and Jackie Hall (JH) seconded.</p> <p>The actions from the previous meeting were reviewed and noted as complete.</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. The Chief Inspector (CI) advised that the newly appointed Law Officer has been asked to review the Escalation and Enforcement Policy and establish what further advice should be provided regarding professional representations.</p> <p>Noted as ongoing.</p> <p>Action 2 Typographical errors are to be amended in the minutes of 7 February, prior to publication.</p> <p>Noted as completed.</p> <p>Action 3 A template for tracking expenditure will be provided during the next Board meeting. This can be shared with the Finance Business Partner.</p> <p>A meeting is scheduled with the Chief Inspector (CI) to share the template. Noted as completed.</p> <p>Action 4: Commissioners to confirm with LP whether they would like to attend a quarterly meeting with SPPP. Noted as completed.</p> <p>The Strategic Policy Planning and Performance (SPPP) meeting for quarter two has been rescheduled to 16 July. A revised Calendar invite has been circulated.</p> <p>The newly appointed Law Officer will be attending the September Board. This will be added to the Forward Look.</p>

	<p>Action 5: Update the Forward Look:</p> <ul style="list-style-type: none"> • MS to present update on digital analysis work by the CQC • Invitation to GoJ Policy Lead to the Board (May 2024) • Defer invitations to the Director of Health and Community Services/Chief Nurse and/or Chief Medical Officer until the September Board meeting. <p>Noted as complete.</p> <p>Action 6: The Board is to make final comments on the draft Annual Report by 9 April 2024.</p> <p>Noted as complete.</p>	
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3.	The Chair's Report	
	<p>The Chair and Board congratulated the Head of Business and Performance (MS) on his recent award for exceptional service in his former role at the Home Office.</p> <p>The Chair acknowledged the work of the team and the Chief Inspector that led to the positive feedback in the annual survey of care providers.</p> <p>The annual feedback survey (2023) was briefly discussed. The participation level was higher than in the previous survey and the results were good, with some positive comments and useful feedback which the Commission will consider.</p> <p>The Annual Report (draft proof) has been received from the publishers. The final version will be agreed following any further comments from Commissioners and the final report will be laid before the States Assembly at the end of May or early in June. As usual, the Comptroller and Auditor General is expected to continue to review the quality and content of annual reports of all arms-length bodies.</p>	

4.	The Chief Inspectors Report	
	<p>The Chief Inspector (CI) presented Document 4.</p> <p>The CI met with the Minister for the Environment. The Minister supports the potential amendments to the Regulation of Care (Jersey) Law 2014.</p> <p>The Commission has received one new complaint about the Commission regarding challenges with a care agency working near the home of the complainant. The Head of Business and Performance is dealing with this matter as an informal complaint.</p> <p>Workforce</p> <p>An additional Regulation Officer (Ian Dyer) has been recruited, with experience in mental health and clinical governance.</p> <p>Fiona McLaughlin's appointment as Deputy Chief Inspector has now been confirmed on a permanent basis. Fiona's substantive (Regulation Officer) role is vacant and the Commission will proceed to recruit to this position.</p> <p>The Project Manager (Consultant) continues to work with the Commission, leading the registration/digital project. The project board continues to monitor progress.</p> <p>Expert independent consultancy is available to support the Children's Social Care and the Fostering and Adoption Services inspections. Two regulation officers and the Deputy Chief Inspector will be participating in these inspections.</p> <p>Children's Services</p> <p>Community and Family Nursing inspection has begun; this is a significant inspection, subject to a new inspection methodology. Two regulation officers are supporting the inspection, and the inspection process has been extended to mirror the methodology applied to the children's social care inspection, which includes a self-evaluation, an annual conversation with the Chief Executive, and an on-site inspection. A service users' survey is underway.</p> <p>Communication / Media Interest</p> <p>Regular planned communications are taking place with all relevant parties in respect of the Single Assessment Framework.</p> <p>There are two public consultation events in May in respect of services new to regulation. The first event was held at St Helier Library, and the other is due to be held in St Helier Town Hall.</p>	

	<p>There was some media interest in the CI's recent attendance at the Health Board. The CI advised that the Inspection methodology would be decided soon.</p> <p>The Commission was made aware of a report published in relation to the sentencing of a carer who was employed by a registered home care provider. The Commission was aware of the safeguarding investigation. It was noted that the home care agency had taken appropriate steps to safeguard service users.</p> <p>Business Plan</p> <p>The Business Plan has been published on the Commission's website.</p> <p>Ethical Recruitment Panel Discussion (limited ticket event) and Position Statement</p> <p>The Commission is facilitating a panel event which will support ethical recruitment, promote good practice and reduce the risk of exploitation and modern slavery. The event will include contributions from a Registered Manager, employees who have experience of moving to Jersey, Friends of Africa and the Government of Jersey's Customs Department.</p>	
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5.	The Financial Report	
	<p>The CI presented document 5 and highlighted the following:</p> <p>The full year forecast is an £41k underspend.</p> <p>The difficulty in predicting staffing costs due to phasing of recruitment was highlighted. This is impacting on the underspend.</p> <p>The Chair noted that the underspend can be applied elsewhere on a non-recurring basis, subject to Treasury approval. The CI advised that the digital project is at risk of incurring additional costs in year.</p> <p>Any underspend may be used for other possible process improvements such as user-friendly publications.</p> <p>Recording of the forecasting of underspends was briefly discussed. KC will present different ways of recording predictions. A meeting with the Finance Business Partner has been scheduled.</p> <p>The Chair noted that the July Board will have more comprehensive financial data, as the half year's report will be available.</p>	

	<p>Non-pay costs were discussed. It was noted that Board expenditure falls under the 'Cost of service recharge' category.</p> <p>It was highlighted that the cost of recruiting for the Chair's position will incur additional one off expenses in 2024.</p> <p>Noreen Kent (NK) requested clarification from the Commission's Finance Business Partner on the following lines:</p> <ul style="list-style-type: none"> • Earned Through Operations - 'Year to Date Actuals' and 'Full-Year Forecast' • Non-Pay - 'Business and Management Admin Services' • Lines where there is no identified budget, i.e. Technology and Engineering Services. It was confirmed that this was for technology licenses, an annual occurrence. <p>It was highlighted that a footnote would be beneficial on any line of expenditure where no budget has been identified.</p> <p>The Head of Business and Performance advised that the Finance Business Partner is investigating ways to reduce the non-budget lines.</p> <p>The CI advised that a meeting will be scheduled with the Finance Business Partner to discuss forecasting of fee income.</p> <p>The Chair noted the growth in the team to 11.8 Full-Time Employees. The pay budget has increased, as has fee income.</p> <p>The Finance Business Partner is invited to attend the July Board.</p>	
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6.	Government of Jersey (GOJ) Policy Lead to update the Board	
	<p>The Chair welcomed Francis Walker (FW), Government of Jersey (GoJ) Policy Lead.</p> <p>FW updated the Board with feedback from the recent public consultation prior to publication of the consultation report. FW noted that there were two issues which were of particular focus for respondents:</p> <ul style="list-style-type: none"> • Unilateral suspension powers • Fees <p>FW discussed the Government's proposed response on these issues and the Board provided feedback to that proposed response. He described the risks and consequences of the Commission being granted unilateral suspension powers.</p> <p>The Board raised significant concerns over the lack of any power to impose an interim condition or suspension, particularly as the timescales for UK regulatory bodies to complete a fitness to practise investigation can be lengthy. It was noted that a health care professional may be working in Jersey on a self-employed basis,</p>	

	<p>whilst awaiting the outcome of any professional regulatory investigation. FW advised that it is not intended for the Commission to act as the primary regulator of professional practise. It is intended that private practise will be regulated under the Regulation of Care (Jersey) Law 2014 in due course, and, at that stage, the Commission will have oversight of all services that employ or are run by health and social care professionals in Jersey.</p> <p>It was noted that the Government should clarify the Commission's powers under the proposed new Law. FW agreed that the legislation and policy underpinning it must be clear.</p> <p>On a separate matter, FW was asked to clarify the intended application of the nine-year rule governing how long a commissioner can serve on the Board as set out in the Government's consultation on amendments to the Regulation of Care (Jersey) Law 2014. He also clarified the proposed exclusion time limit for any prospective candidates previously employed by the Government of Jersey in health and social care roles in relation to Schedule 2 (Appointment, Resources, and Funding) to the Regulation of Care (Jersey) Law 2014. Similar clauses, or cooling off periods, exist in respect of other public appointments.</p> <p>The Chair thanked FW for attending the meeting.</p> <p>Other details discussed are covered under agenda item 7.</p>	
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7.	Commission response to Consultation on amendments Regulation of Care (Jersey) Law (2014)	
	<p>The Commission's intended response to the public consultation on proposed amendments was discussed. The CI will draft the response and circulate this to the Board. Commissioners are invited to review and comment on the draft response.</p> <p>The following issues were highlighted:</p> <ul style="list-style-type: none"> • The Board acknowledged the nine-year rule, its reason and purpose • The Board noted that there is no requirement under the Law, as currently stated, to ensure the Minister appoints at least one Commissioner living in Jersey. FW confirmed that this will be considered. • Methods of communication to be clarified to refer to 'appropriate to needs'. The CI will add this to the consultation feedback. • The position in relation to Hyperbaric Oxygen Chambers (HoCs) was clarified (there are currently no HOCs operational in Jersey, but the situation may change and the Law should be future proofed). • The position in relation to Laser services was clarified, the relevant classes of lasers need to be indicated. The purpose of this proposed amendment is to remove regulation of laser premises from the Nursing Home Law. <p>KC agreed to be a point of contact for the CI for any questions surrounding the Commission's response to the draft consultation.</p>	

	<p>The Commission currently does not publish responses to public consultations. Ian Dyer (ID) advised that the Government publish all responses to GoJ consultations. The Commission, when next reviewing its publication scheme, may wish to include its own responses to public consultations.</p> <p>The Commission will share its final response to the public consultation with the Minister for the Environment.</p>	
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8.	Project Manager Digital Project Update	
	<p>Alaistair Jerrom-Smith (AJS) presented document 7 and highlighted the following:</p> <ul style="list-style-type: none"> • Yoti /Jersey Me will not be used upon launch of the new system, due to issues within People Directory. This can be introduced in the future. It was confirmed that this does not put extra pressure on the Business Support Team as it will continue using the current process for identification checks. • Security Testing; some risks were reported upon testing. All risks have since been remedied, apart from a very low risk. There were no recommendations upon Vulnerability and Penetration Testing. • Go live has been postponed to June/July 2024. Final testing is to be completed within the next couple of weeks. • The project is subject to authorisation by the Service Transition Planning and the Change Approval Board. <p>The project budget was discussed. It was noted that the IT software suppliers will be retained on a maintenance basis and to implement the new functionality.</p> <p>The Chair thanked AJS for the thorough presentation and for his continuing oversight of the project.</p>	

9.	Risk Update	
	<p>MS presented Document 8 and updated the Board with a summary of key changes to the risk register.</p> <p>11/23 Capacity-Expansion of role and remit while maintaining business as usual Considering changes within the last few months, the rating has been raised. Proposed to increase from overall 6 to 9.</p> <p>7/23 Legal Risk Differing processes and legal frameworks under regulation and registration laws Added In November 2023. The Commission now has access to the services of a dedicated Law Officer. There is no change to rating. Risk remains Likelihood 3 Impact 4; overall risk rating 12.</p>	

	<p>1/23 Data Governance Monitored Risk. No change to rating. This is a longstanding risk, but progress is being made to mitigate this risk.</p> <p>3/23 Delivery of inspection programme to services new to regulation Proposed to close this risk, as this is better articulated under Capacity.</p> <p>9/23 Critical Incident; role of the Commission Proposed to close.</p> <p>11/23 Capacity and capability; expansion of role and remit while maintaining business as usual Considering recent changes in the funding agreement and possible additional demands being placed on the Commission at a time when it is preparing to regulate new services, it is proposed to raise the rating of this risk. Likelihood raised from 2 to 3, Impact remains 3; overall rating 9.</p> <p>8/23 Impact of new and differing standards and inspection approaches by partners for hospital, ambulance, and adult mental health services There is no change to this risk. Introducing new Standards that differ from the current Standards. Risk remains Likelihood 3 Impact 3; overall risk rating 9.</p> <p>1/24 Cyber security There is no change to this risk. The Digital Discovery in conjunction with Care Quality Commission (CQC) provides more detail of the exposure to risk and opportunities to mitigate risk. Risk remains Likelihood 2 Impact 4; overall risk 8.</p> <p>2/24 Impact of budgetary pressures Risk rating remains stable, Likelihood 3 Impact 4; overall risk 12.</p> <p>3/24 Impact of negative incident following Inspection Long-standing risk. Communication will mitigate the risk. Risk rating remains stable, Likelihood 2 Impact 4; overall risk 8.</p> <p>6/2023 UK professional regulatory bodies and Fitness to Practise Action (FTP) There is no change to the risk. The Commission is working to establish Memoranda of Understanding with all relevant UK professional regulatory bodies.</p> <p>The Board reviewed the risk register and agreed with all actions proposed.</p>	
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10.	Project plan for services new to regulation (Hospital, Ambulance and Adult Mental Health Services)
	<p>Valter Fernandes (VF), Principal Standards Officer, updated the Board with the following:</p> <ul style="list-style-type: none"> The JCC consultation on the draft Standards will run until the end of May.

	<ul style="list-style-type: none"> • Risk was briefly discussed. Mitigation is required for the notification process, rag rating and triage. Work on notifications is in progress, including trend data on notifiable events • Public engagement events are planned. VF updated the Board on the first event held at the Central Library • Engagement with providers and core focus groups to discuss public consultation such as Health and Community Services and Ambulance service • The feedback from the public consultation is being reviewed daily and any responses are actioned. <p>The timeline was briefly discussed.</p> <p>The Commission is scoping support for the development of the inspection handbook.</p> <p>LB noted how important providing feedback in a timely manner is, as it empowers people to engage further.</p> <p>The Chair thanked VF for attending the meeting.</p>
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11.	Forward Look
	<p>The Forward look was discussed. The following amendments were agreed:</p> <ul style="list-style-type: none"> • Invitation to Finance Business Partner to attend the July Board • Invitation to Minister for Children's Services to attend the September Workshop or Board • Defer Inspection Report Template to September Board • Invitation to the Law Officer to attend the September Board • Invitation to the Accountable Officer, Tom Walker (TW) to attend the September workshop. • Defer the review of Constitution to November. <p>The Forward Look will be updated.</p> <p>The Chair thanked everyone for attending the meeting. The meeting closed at 12:30.</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	<p>The Forward look was discussed. The following amendments were agreed:</p> <ul style="list-style-type: none"> • Invitation to Finance Business Partner to the July Board • Defer Inspection Report Template to September • Invitation to the Law Officer to the September Board • Invitation to the Accountable Officer, Tom Walker (TW) to the September workshop. • Defer the review of Constitution to November. 	Lisa Phillips	Complete
3.	Invitation to Minister for Children's Services to the September Workshop or Board.	The Chair	Complete
4.	<p>The CI to obtain clarity on expenses on lines of the Finance Report:</p> <ul style="list-style-type: none"> • Earned Through Operations - 'Year To Date Actuals' and the 'Full Year Forecast' • Non-Pay - 'Business and Management Admin Services' • Lines where there is no identified budget 	The Chief Inspector	Complete