

Minutes

Meeting title:	Jersey Care Commission Board	
Meeting date and time:	Wednesday 18 September 2024, 09:00-11:30	
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) Gordon Pownall (GP)	Commissioner Commissioner Commissioner Commissioner Commissioner Commissioner
Attendees:	Becky Sherrington (CI) Tara McNair (TM) Mark Silver (MS) Malgorzata Ptak (MP) Ewa Robert (ER) Lisa Phillips (LP)	Chief Inspector Law Officer Head of Business and Performance Finance Business Partner (Item 5) Administrator Executive Assistant – Minute taker
Apologies:	Valter Fernandes (VF)	Principal Standards Officer

Documents presented:	<ol style="list-style-type: none"> 1. Agenda 2. Draft Minutes of Board meeting (24 July 2024) 3. Chair's Report 4. Chief Inspector's Report 5. Finance Report (2 papers) 6. Inspection Project Plan (2 papers) 7. Risk Register (2 papers) 8. 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 Tara McNair (TM), recently appointed Law Officer.</p> <p>The Chair reflected on the engagement day with representatives of the care sector on 17 September and thanked everyone for attending and the team for organising the event.</p> <p>The Chair congratulated The Head of Business and Performance (MS) on his work on the content of the Annual Report, following positive feedback received from The Comptroller Auditor General (CAG). MS thanked the Business Support Team and the previous Deputy Chief Inspector for establishing the layout and footprint of the Annual Report.</p> <p>There were no new declarations of interest.</p>

2.	Minutes of the last meeting and Matters Arising
	<p>The minutes of the previous meeting (24 July) were discussed and approved.</p> <p>Gordon Pownall (GP) proposed, Noreen Kent (NK) seconded.</p> <p>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 Escalation and Enforcement policy applies equally to any representations in matters relevant to conditions of professional registrations. In view of the recent legal advice, Commissioners noted that it is unlikely that a Notice of Proposal to vary or impose a discretionary condition on professional registration would be undertaken ahead of the outcome of any professional conduct committee proceedings notified by the equivalent UK regulatory authority.</p> <p>The Chief Inspector (CI) advised that the newly appointed Law Officer has been asked to review the Escalation and Enforcement Policy and to establish what further information should be included regarding professional representations.</p> <p>Noted as complete.</p> <p>Action 2 The Chief Inspector and Lisa Phillips to compile a list of key stakeholders and share with the Board.</p> <p>Noted as complete. The list has been included in the Chair's Report.</p> <p>Action 3 SPPP Q1 approved minutes to be shared with Commissioners</p> <p>Noted as complete</p>

Action 4: The following amendments to be made to the Forward Look

- Invite the Chief Nurse and Director of the Hospital
- Defer invitation to Minister for Children's Services until 2025
- Defer invitation to Children's Minister until 2025
- Defer invitation to Children's Commissioner until 2025
- Annual Feedback Survey to be added to May 2025
- Invite the Digital Project Manager to the November 2024 Board
- Outline 2025 budget – November 2024
- Remove Public Finance Manual (PFM) Training from September 2024

Defer invitation to Chair of Health and Community Services Board to 2025 -Open invitation provided (tbc)

Noted as complete.

Action 5: The Chair to review wording in respect of The Chair's report, to reflect an exchange of correspondence from the Chief Executive, GoJ, and the Commission.

Noted as complete.

Action 6: The CI to contact the Head of Policy to clarify the intention of regulation in respect of private practice.

Noted as complete.

Action 7: The Business Support Team will work on the content of the Inspection Dashboards to ensure representation of completed inspections, rather than planned inspections.

Noted as complete.

Action 8: KPI to be reviewed. 5.3 'Timeliness for completion of any required action or updates to the professional register following the imposition of interim orders or sanctions in Fitness to Practise cases'.

Noted as complete.

Action 9: The Finance Business Partner to include a narrative to all future reports to explain any significant variations.

To be discussed under agenda item number 5, Finance update.

Action 10: The Finance Business Partner to provide a summary of budget variations over the previous 5 years.

	To be discussed under agenda item number 5, Finance update.	
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3.	The Chair's Report	
	<p>The Chair presented document 3 and highlighted the following:</p> <p>The selection process for the appointment of a new Chair is underway, and the outcome is likely to be known in November 2024.</p> <p>The Strategic Policy Planning and Performance (SPPP) Quarter 3 meeting is scheduled for 24 September 2024, via Teams. Kate Chamberlain (KC) and NK will be attending. The previous minutes for Q1 and Q2 have been requested to be shared with KC and NK. Lisa Phillips (LP) will share the minutes.</p> <p>The Chair's report includes a list of key stakeholders; a brief discussion took place around scheduling of invitations to particular stakeholders to attend future Board meetings.</p>	

4.	The Chief Inspector' Report	
	<p>The CI presented document 4.</p> <p>The CI has been supporting the Chair's recruitment, liaising with the recruitment team, as necessary, and speaking with potential candidates about the Commission's work.</p> <p>A panel event with the Institute of Directors (IOD), the Director General of the Jersey Financial Service Commission, and the CEO of Digital Jersey is scheduled for 2 October to discuss the benefits and opportunities of effective and proportionate regulation.</p> <p>A communications campaign aimed at individual care workers, explaining the requirement to be registered with the Commission, is underway in parish magazines and via social media.</p> <p>The CI thanked all for attending the successful engagement day on 17 September.</p> <p>Following the Commission's fifth anniversary, the Care Conversations campaign has been positive. It involves videos with care receivers, regulation officers, the Chair of the Commission, and The Care Hub, shared on social media.</p> <p>The Head of Policy (Government of Jersey) has received the Commission's feedback following the consultation on the proposed amendments to Regulation of Care (Jersey) Law.</p> <p>Planning is in place with the Picker Institute for a staff survey for hospital, ambulance and mental health services.</p> <p>An external consultant is developing the inspection handbook. The Commission is working with a project manager who has scoped out a timeline of workstreams for</p>	

	<p>regulating hospitals, ambulance, and mental health services. Membership of the inspection team was discussed, recognising the need to have an appropriate blend of regulation officers and independent experts.</p> <p>Switch, JCC Communications Team, is assisting the Commission in revamping the website, particularly regarding information on complaints, and developing a communication plan to prepare for the amendments to Regulation of Care (Jersey) Law.</p> <p>The Board was updated on progress of the Registration Digital Project. The system is live and is being used by the Business Support Team. A small number of people are road testing the portal to flag up any system issues that may occur. It was confirmed that registration fees can be processed through the portal, and the Commission will host the online register of health and social care professionals on its own website very soon.</p> <p>The CI has an accessibility menu on the Commission's website, and some communications will be issued to advise the public.</p> <p>The Inspection Report for children's social work was published, but there was little media interest. There was more media interest surrounding recent inspections of both Beaumont Villa and L'Hermitage care homes.</p>	
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5.	Finance Update	
	<p>Malgorzta Ptak (MP), Finance Business Partner, and Lyndsey Corcoran (LC), Finance Business Partner Advisor, presented document 5 and provided the Board with an update on the financial position up until August 2024.</p> <p>Year to date Variance - £335,000 underspend</p> <ul style="list-style-type: none"> • Income is overachieved by £76,000 (it was noted that the income budget was assigned some years previously, the Commission has grown since) • Non-pay has an underspend of £63,000 • Pay has an underspend of £196,000 <p>Full Year Variance - £254,000 underspend</p> <ul style="list-style-type: none"> • Income is overachieved by £70,000, this is an increase in the stated underspend of £23,000 since June. • Non-pay has a £33,000 overspend, there is no change from June, relates to increased costs on Registry System, Software & Licensing and Consultancy, refer to corresponding/offsetting Income overachievement under the Income section. • Pay has an underspend of £217,000, this is an increase in underspend by £46,000 since June, relates to pay being budgeted at the top of the increment, as per civil servant pay scales, and new employees not yet at 	

	<p>the top of the salary scale. There are also vacancies of 0.5 Pharmacy role/ Data Officer vacancy. The staffing structure was briefly discussed.</p> <p>The 2024 to 2028 budget settlement includes some challenging value for money targets for the Commission.</p> <p>The 2024 value for money target of £68,000 is being met through delayed recruitment and a small vacancy factor.</p> <p>The 2025 value for money target of the same amount would be met by surrendering the budget for independent legal advice and by carrying an unfilled vacancy.</p> <p>The CI and the Board shared concerns that the budget has been reduced and noted that the 2027 budget is set at the 2023 level, but with additional statutory requirements.</p> <p>KC highlighted the importance of providing a summary of budget variations over the previous 5 years and requested the data from 2019. The CI will work with MP to map the data for the period from 2019 to 2024.</p> <p>The Chair thanked MP for taking into consideration comments and feedback following the July Board and thanked both MP and LC for attending Board.</p>	
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6.	Risk Update	
	<p>The Head of Business and Performance presented document 7 and highlighted the proposed risks:</p> <p>11/23 Capacity and capability- Expansion of role and remit while maintaining business as usual.</p> <p>This risk remains active, especially due to possible budget and resourcing restrictions at a time when the Commission is preparing to regulate hospital, ambulance, and adult mental health services. No Change Likelihood 3, Impact 3; overall rating 9.</p> <p>The CI continues to meet with the Care Quality Commission (CQC). The CQC has provided general advice and, in future, will supply a list of bank inspectors with expertise in the area and may assist in nominating a lead regulatory manager to support the Commission's regulation officers as part of the inspection team.</p> <p>Membership of the inspection team was discussed, and how credibility would need to be demonstrated. The CI noted how important it is to obtain the correct balance of expertise, with relevant clinical experience to lead on the inspection and to continue engaging at senior managerial level.</p> <p>7/23 Legal Risks including legal action and differing processes and legal frameworks under regulation and registration laws</p>	

This is an ongoing risk. It has been rearticulated to capture risks from litigation, either appeals against Commission decisions or legal proceedings initiated by the Commission itself.

The Commission is working to address process issues and now has access to legal advice through the recruitment of a dedicated Law Officer. The Commission has undertaken a crisis management exercise and will continue to engage with the lead professional regulator in respect of conduct issues for registrants.

It is proposed to maintain the current rating as Likelihood 2, impact 4; overall rating 8.

8/23 Impact of new and differing standards and inspection approaches by partners for hospital, ambulance, and adult mental health services.

The Commission has experience developing new standards and implementing inspections in areas new to regulation. As standards are not currently harmonised, there is potential for some confusion. However, the Commission can provide a clear rationale as to why the Standards differ for different services. It was noted that any feedback received from the current consultation on the draft standards will be reviewed.

There is no change to the risk rating. Risk remains Likelihood 3, impact 3; overall rating 9.

It was highlighted that the Commission is engaging directly with services new to regulation and can use the experiences learned from the regulation of children's services to best effect.

1/24 Cyber security

This is an ongoing risk that may be increased by further digitisation. However, the Commission is taking appropriate steps to understand and mitigate the risk. All staff are required to complete mandatory cyber security training and are up to date with it.

The risk remains Likelihood 2, impact 4; overall rating 8.

2/24 Impact of budgetary pressures

This risk has been amended, in light of the Government of Jersey's proposed budget for 2025-2027. In view of the changes to the Government budget, the rating is proposed to increase to Likelihood 3, Impact 4; Overall Risk 12.

It was noted that the Commission is working on digitising some aspects of data processing to assist with the workload that the services new to regulation will bring.

Work outside of the inspection process was discussed, and external assistance is required to complete this work, which will have a budgetary implication.

	<p>The budget was discussed in detail, and concerns were reiterated across the Board. Any issues that indicate the Commission cannot meet statutory requirements should be flagged to the Commission's Accountable Officer, and the Commission may appeal directly to the Minister.</p> <p>TM clarified the practical implications that will be bought under Schedule 6. The process will be governed under Article 10 of the Public Finances Law; this means the Council of Ministers does not have to agree on the Commission's budget; only the Minister for Environment need agree on the budget before it's in the Government budget plan.</p> <p>The Council of Ministers may lodge a statement disagreeing with the budget plan, but they cannot prevent the plan from being submitted. The only option then is to have the Government budget plan amended. There is no separate and specific mechanism for providing the Commission with funding under the Finance Law; therefore, the government budget planning process is the only legitimate avenue to receive funds. In the future, if the Commission requires additional funding, it will need only one minister to agree when the law changes.</p> <p>The Chair noted the importance of timing and the need to be clear as to how the Commission requests budget plan changes going forward.</p> <p>3/24 Impact of negative incident following Inspection</p> <p>In August, a critical incident/crisis communication exercise enabled the Commission to prepare plans, crisis management principles, and communication plans. The different types of incidents and how the Commission would respond to specific incidents were considered. A set of principles was developed. Plans are being finalised following this exercise. This will be repeated every six months. Risk rating remains stable, likelihood 2, impact 4, overall risk 8.</p> <p>The Board agreed the proposed amendments to the risk register.</p>	
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7.	<p>Inspection Project Plan and Handbook</p> <p>The CI presented document 7, updating the Board on the project plan and highlighted the following:-</p> <p>The Commission has recruited an independent consultant to develop an inspection handbook and a project manager to scope the project's timeline.</p> <p>Decisions made as a team:</p> <ul style="list-style-type: none"> • Format of handbook to look the same as the children's services handbook • Registration and registered managers, to be discussed with the services • Overall structure of how the departments will be inspected and scheduling • Overall approach to reporting: the handbook will be under ongoing review • Inspection types, how the services will be inspected, who will be a part of the inspection team. 	
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	<ul style="list-style-type: none"> • Clarity on the Commission's role in the complaints system: this is a separate project • Assessment of finances and investigations of clinical decision-making out of scope • Use of staff surveys, no patient survey, as the hospital has its own patient survey • There will be no formal consultation on the handbook, but targeted engagement will take place <p>Areas that need more work:</p> <ul style="list-style-type: none"> • End to end inspection process • Detail of what evidence the Commission will gather and use • How the Commission will use evidence from external accreditation for some services and how the Commission will work with these services • Prioritisation of services for inspection • Role of self-assessment <p>Peer assessments were briefly discussed with similar services.</p> <p>Timeline of Service Specific Timeline were briefly discussed:</p> <ul style="list-style-type: none"> • August 2024 – external and internal consultation • September 2024 - consultation with provider focus groups • October 2024 - end of consultation period with provider focus groups • November 2024 - final amendments • November Board - final sign-off <p>The timings of the inspections were discussed, and it was noted that the hospital would be inspected at least every 3 years and how the Commission would manage this.</p> <p>The Chair thanked the CI for the update and noted that the project is on target.</p>	
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8.	Forward Look	
	<p>The Forward look was discussed.</p> <p>The following amendments were agreed:</p> <ul style="list-style-type: none"> • Remove GOJ Policy Lead to provide an update on the Law drafting Instructions for regulation of the hospital, mental health and ambulance services • Defer Review of Constitution to May 2025 <p>The meeting closed at 11:30</p>	

JERSEY CARE COMMISSION

Action Points

	Action Point	Owner	Status
1	Lisa Phillips to share Q1 and Q2 minutes with commissioner NK and KC.	Lisa Phillips	Complete
2	The CI and Finance Business Partner to obtain financials for the period from 2019 onwards.	The Chief Inspector & Finance Business Partner	
3	<p>The Forward look was discussed. The following amendments were agreed:</p> <ul style="list-style-type: none"> • Remove GOJ Policy Lead to provide an update on the Law drafting Instructions for regulation of the hospital, mental health and ambulance services • Defer Review of Constitution to May 2025 	Lisa Phillips	Complete