

Minutes of the meeting of Action against Medical Accidents

Held on 6th July 2021 by Microsoft Teams

Present: Moi Ali (Moi) Chair, Caroline Browne (CB) Vice-Chair, Angela Brown (AB) Treasurer, Nigel Holland (NH), Mike Andersson (MA), Jonathan Hazan (JH), Linda Kenward (LK), Amrat Khorana (AK)*, Janine Collier (JCol), Maggie Davies (MD), Bill Kilvington (BK), Mary Smith (MS)*, Jocelyn Cornwell (JC)
*AK and MS as 'trainee' (non-voting) trustees

In attendance: Peter Walsh (PW)

1. Chair's introduction, Trustee & Staff information share

The Chair welcomed everyone and asked for new standing declarations of interest, explaining that declarations for specific agenda items would be taken before the item was discussed. No further declarations were made.

Trustees were invited to share news about patient safety and justice. Council congratulated LK on the completion of her PhD.

- LK briefly described her research on 'second harm'.
- JC outlined her article on humanising medicine recently published in the BMJ.
- NH drew attention to the PHSO's announcement on publishing their reports on complaints.
- BK has been involved in developing guidelines around perioperative care.
- AK drew attention to increased focus on inequalities in treatment/outcomes for people from BAME communities, especially in maternity care. The Chair added that she had recently spoken on the subject of whether healthcare regulation was too white at the PSA symposium.
- CB advised that the Health & Social Care Select Committee had just published its report on maternity cases.
- MA drew attention to the recent NHS 'data grab'.
- The Chair has been commissioned to write for Nursing Times on how good communication can, amongst other things, improve patient safety. It will be published in September.

Trustees were asked to send relevant information to Vicki to circulate.

2. Minutes of the meeting held on 23rd March 2021

These were agreed as an accurate record apart from a typo on AB's declaration of interests which would be corrected.

Action: C005/PW

It was noted that CB/AB had an outstanding action to be completed (item C002 on the latest action schedule).

PW was asked to clarify item 7 on the actions schedule. Actions 14 and 15 were not to be closed and would be discussed under the risk register item. All other actions recommended for closure were to be removed.

Action: C006/PW

The minutes of the meeting of 8 April were missing from the pack. Peter agreed to circulate these for approval by correspondence.

3. Minutes of the Executive Committee held on 11th May 2021

These were noted.

4. Minutes of the Executive Committee held on 21st May 2021

These were noted. PW explained that he had not had time to review the EDI policy. This would come to the next Council meeting.

Action: C007/PW

5. CEO's report

The Chair explained that she had brought this report up the agenda because it is unusual for a CEO's report, given its importance, to be so far down the agenda.

Alternative Legal Remedy / PHSO

PW explained about Alternative Legal Remedy and Council asked to be kept informed. It was agreed that consideration should be given to AvMA being an interested party in any Judicial Review that may arise. MS declared that she was advising the complainant and liaising with PW, including finding a barrister to give a *pro bono* opinion. It was suggested that mediation could help claimants achieve some of their objectives as part of litigation. It was agreed that AvMA should stand firm about litigation for clinical negligence not being an alternative remedy for complainants seeking remedies other than compensation.

It was suggested seeking a moratorium on litigation limitation periods to allow the PHSO to investigate first.

It was suggested that a Freedom of Information request be made to the PHSO on how many cases had been rejected for investigation or the investigation limited because of clinical negligence legal action being seen as an alternative legal remedy.

PW to consider suggestions when taking forward this work.

Action: C008/PW

Freedman House /Staff homeworking

Referring to the CEO's update that the majority of staff will be working either mainly or entirely from home/remotely going forward, some trustees expressed the view that a policy of permanent home working was a strategic issue to be considered in conjunction with the interconnected strategic decision about the future of Freedman House. It had been agreed at Executive Committee in March 2021 that PW would provide an options appraisal regarding the future of Freedman House and the implications of home working for discussion at the strategic review.

Issues raised by trustees included: contractual issues and the lack of opportunity to roll back a permanent decision if it proved not to work; consideration of health and safety, including workplace assessment; the appropriateness of the home environment for working, particularly in relation to new staff; concerns that while it may suit an established team, it would be difficult for new staff joining to build relationships; EDI issues; negative impacts on collaboration and creativity.

PW responded that consideration had been given to the organisation's needs, flexibility, staff wellbeing, and personal/team development. There had been no negative impact on performance as a result of homeworking and in most cases this was seen as an improvement. Home working agreements were in place ensuring flexibility etc. He felt that individual staff's working arrangements was an operational matter for management, but was clear that issues such as the future of the office building or moving entirely to homeworking were strategic matters for Council to decide. Trustees, however, wished to look holistically at home working and the potential sale of the office. While

individual staffing issue are for the CEO, it was agreed that decisions about any significant change in working arrangements and service delivery are for Council.

It was recognised that staff were enthusiastic, but it was agreed that no permanent decision could be taken in isolation. Trustees were content for the current arrangement to continue on a temporary basis until the matter could be considered strategically by Council as part of wider discussions about the building, income generation and savings.

Premature indications had been given to staff about permanent homeworking, and while it was acknowledged that changing the arrangements agreed between staff and management may seriously affect staff morale, Trustees had faith in the CEO's ability to explain the decision and to convey to staff how much they are appreciated and valued.

Action: C009/PW

It was suggested that consideration be given to using a different estate agent and/or obtaining other professional advice with regard to Freedman House.

CEO/Staff capacity and wellbeing

It was noted how hard everyone is working, and [REDACTED]. The Council asked for their best wishes to be conveyed [REDACTED]. There was discussion about the visibility at Council of staff/people issues. It was AGREED that a report would come for each Council meeting on staff wellbeing including feedback from staff surveys and metrics on HR issues such as sickness rates, disputes, staff turnover and so on.

Action: C010/PW

6. Minutes of the Quality & Outcomes Committee: 2nd June 2021

These minutes were noted. CB reported that JC and JCol had joined the committee and their contribution was very welcome.

7. Minutes of the Digital & IT Steering Group meeting: 23rd June 2021

The minutes were noted. JH reported that the committee was very impressed with progress on the CRM project and had begun to develop an IT risk register. Appropriate issues would be escalated to the corporate risk register. JCol was joining the committee.

8. Minutes of the Finance & Investment Committee – 17th June 2021

The minutes were noted. AB welcomed BK and MS to the committee.

The Finance Manager's report and management accounts were noted. It was AGREED to cancel the platform lift project in view of the uncertainty over the future of the building, but to maintain special arrangements for wheelchair users to be able to access the building.

Action: C011/NR/PW

The long-range financial forecast and related reports were noted, as was the delay to October of a decision on whether to alter or extend the 10-year financial plan.

It was AGREED to accept the FIC recommendation to defer the requirement for 2022/23 to identify savings/new income as per the 10-year plan in view of the pandemic; receipt of a legacy of £450,000; delay to the strategic review including consideration of future of Freedman House; and continuing uncertainty about the impact of proposed legal reforms. Management would still attempt to develop new income streams and identify savings but there would be no expectation that the income/savings would be achieved.

It was AGREED that the proposed consultancy on fundraising/income generation agreed at the September 2019 Council would be arranged as soon as possible before the October review, with a working group to be established by the CEO to consider income generation ideas.

Action: C012/PW

9. [REDACTED]

10. Risk Management

This item was deferred to the October strategic review, due to lack of time where there would be a look at strategic risks, risk appetite and management of risk.

Action: C014/Chair

11. Operational Plan & Departmental Reports

The reports were noted.

12. Date of next meeting

Tuesday October 5th, 2021 at 7 Bedford Row, London. It was planned to have an evening meal and then continue with the mid-term strategic review the next day (as had been planned for July). Hopefully it will be a face-to-face event. PW to circulate more information in due course.

Action: C015/PW

Council Meeting Actions Schedule

	Date Agreed	Agenda Item #	Issue	Description	Person responsible	Date for completion	Progress/Completed
C001	29.9.20	10	AvMA Website	Proceed with procurement work and develop a financial business case to Council for approval before entering into website development contract.	JS/NB	August/September 2021	Delayed until CRM project advanced
C002	23.3.21	5	Exit interviews	Circulate summary of SS & RV exit interviews to all	CB & AB	tba	
C003	23.3.21	10	Review Day	Chair/Exec to devise programme for review day	Moi/EC	04.05.21-Aug' '21	
C004	23.3.21	11	Operational Plan	Present following financial year's Operational Plan to each December Council	PW	Dec 2021	
C005	6.7.21	2	Minutes	Relevant typo in March minutes to be corrected	PW		
C006	6.7.21	2	Action Schedule	To be updated as discussed	PW		
C007	6.7.21	5	EDI Policy	Review policy and report back to Council	PW		
C008	6.7.21	5	Alternative Legal Remedy	Consider all suggestions made regarding taking this work forward	PW		
C009	6.7.21	5	Strategic Review	Provide an options appraisal on home working and the future of Freedman House for consideration at October Review Day. Convey message about review of homeworking sensitively to staff	PW	October 2021	
C010	6.7.21	5	Staff wellbeing	Quarterly wellbeing report to be produced for each Council meeting	PW	October 2021	
C011	6.7.21	8	Required Savings /Platform Lift	Defer required saving per 10yr plan in 2022/23. Platform Lift Project to be cancelled	NR/PW	July 2021	
C012	6.7.21	8	Income Generation	To bring forward Income Generation/Fundraising consultancy and set up a working group to discuss income generation (incorporate ideas from 2018 strategic review)	PW	August 2021	
C013	6.7.21	9			ALL / Moi	July / August 2021	
C014	6.7.21	10	Risk Management	To add to agenda for Strategic Review Day	Moi	October 21	
C015	6.7.21	12	Next Meeting	Circulate details of Review Day timing when available	PW	October 21	