

Action against Medical Accidents

Minutes of a board meeting

held on **26 September 2023** at 13:00

Freedman House, Christopher Wren Yard, Croydon

Present	Mike Andersson (via Teams), Caroline Browne (Senior Independent Director), Jocelyn Cornwell (Chair), Nigel Holland (Treasurer), Amrat Khorana, Bill Kilvington, Carol Parsons, Farrah Pradhan (associate trustee), Michele Salter
In attendance	Nathan Bacon (Internal Operations Manager), Lisa O'Dwyer (Director Medico-legal Services; left after item 7 and returned via Teams after item 11), Nicky Rushden (Finance Manager; joined meeting via Teams for items 7, 8 & 9), Paul Whiteing (CEO), Rachel Wright (minutes)
Apologies	Janine Collier, Jane Hawdon

1. Apologies of absence

The chair welcomed everyone to the meeting. Apologies were received and accepted from Janine Collier and Jane Hawdon.

2. Declarations of interest and appointment of new trustees

A. Khorana declared his appointment, in July 2023, to SLAM NHS Foundation Trust. Jane Hawdon was appointed as a trustee to the board in absentia. Introductions were made for the benefit of new trustees.

3. Minutes of previous board meeting, 20 June 2023

The chair presented the minutes of the previous board meeting for approval whereupon they were unanimously approved as a true and accurate record of the meeting. It was noted that M. Salter had been appointed a trustee at the previous board meeting *in absentia*.

Matters arising: The implicit 'lessons learnt' report would now come to the board for sign off at December's board meeting; however, the learning highlighted in the report would be implemented earlier than that.

Comprehensive details of the upcoming trustees' awayday would be circulated after the meeting.

A review of pay and structure had been added to the operational plan and an HR consultant had been appointed to help with this. B. Kilvington had agreed to act as a sponsor for this work.

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Consideration would be given to establishing a working group to address digital strategy once AvMA was ready to start this work.

Trustees were thanked for taking part in their appraisals. The chair thanked them for endorsing her chairing. She would send the appraisal questionnaire to new trustees for their information.

All other matters arising from the minutes had either been discharged or were covered under the agenda for this meeting.

C0105: PW to circulate details of awayday to trustees. CLOSED

C0106: JC to ask VN to circulate trustee appraisal questionnaire to new trustees for their information.

C0107: AK to send VN details of his recent appointment to SLaM for entry on to the register of interests.

4. Chair's report

To help spread the workload more evenly, the chair asked every trustee to serve on at least one of the board's sub committees/working groups and that for consistency purposes we move away from rotating the chair of committees. Trustee membership of committees/working-groups to be as follows: Quality and Outcome Committee (QOC) - J. Collier (chair), C. Browne, J. Hawdon, F. Pradhan, and possibly M. Andersson; Finance and Investment Committee - M. Salter (chair), C. Browne, J. Cornwell, B. Kilvington, C. Parsons, and possibly F. Pradhan; IT and Digital Working Group - M. Andersson (chair), A. Khorana; Income Generation Working Group (IGWG) - C. Parsons (chair from 2024), A. Khorana, B. Kilvington, M. Salter. (A. Khorana to chair the November 2023 meeting.) M. Salter would take over as treasurer once N. Holland had stepped down.

The risk-appetite exercise recently undertaken by the board and senior management team had been an extremely valuable exercise, everyone agreed; it would help the CEO make recommendations to trustees, and frame board decisions and discussions about decisions recognising it was a barometer of risk appetite but may change over time. They thanked: i) N. Bacon and the CEO for their high-level analysis of the results, presented via a slide show; and ii) N. Holland for having recommended the board and senior managers gauge their appetite for risk in the first place. The risk areas and appetite for risk were as follows:

- Governance: Minimalist
- Human resources: Flexible/Cautious
- Financial: Cautious/Minimalist
- Freedman House: Open/Flexible
- Reputational: Cautious/Minimalist
- Legislation & compliance: Flexible
- Operational: Flexible/Cautious

5. CEO and managers' reports

Copies of the CEO's report to trustees, and those of senior managers, had been circulated with the meeting's papers. The CEO highlighted the Government's response to consultation, and consultation

on fixed recoverable costs (FRC) between £25, 000 - £100,000 and FRC up to £25,000. L. O’Dwyer reported on the Government’s consultation on disbursement. The board discussed the negative impact of the new rules/proposals on AvMA beneficiaries and the knock-on effects for AvMA itself including a possible reduction in income from some sources. Opportunities to mitigate the impact of these rulings considered by the board included campaigning for broader exclusions, e.g. inclusion of all fatalities, and protections for client damages. In answer to a question from the treasurer, L. O’Dwyer confirmed that the anticipated decline in lawyer-services subscriptions did not affect current budget projections.

Managers were thanked by the chair for the new, succinct versions of their reports. N. Bacon would send trustees his People Report, which had inadvertently been excluded from the meeting’s papers. Responding to information in the meeting’s papers (p.61) about a group of harmed patients whose legal representative had been found to be dishonest, a trustee asked about mitigating against similar lawyers joining AvMA’s lawyer panel, and L. O’Dwyer explained how the charity’s lawyer-assessment process helped guard against this happening.

C0108: NB to circulate his People Report to trustees.

6. Operational plan 2023-24 progress tracker

The operational plan for 2023-24, updated with key strategic priorities, had been circulated with the meeting’s papers. New trustees wanting to know the completed actions from the five-year plan were directed to the annual reports.

At trustees’ request, the CEO expanded upon points 4.1.6 and 4.1.3 and to the following changes: points 4.6.3 and 4.6.1 would be colour-coded blue and a darker shade of amber respectively; the phrase “some slippage” would be clarified; point 4.1.7 would include the wording from a previous operational plan about exploring partnering with other charities/campaign groups, when opportunity allowed, to improve the outcomes for AvMA beneficiaries.

The chair felt the board needed better monitoring and reporting against big strategic objectives than that provided by the operational plan. Also, consideration needed to be given to aligning AvMA’s capacities and resources, it was agreed.

At a later date, consideration would be given to whether AvMA was exploiting its social media handles to the fullest/capitalising on the fundraising opportunities afforded by recent high profile cases and the Government’s rulings/proposals on FRC.

C0109: PW to make the agreed changes to the operational plan.

C0110: PW to consider whether AvMA’s social media handles can be better used in response to high profile cases/Government’s FRC response.

7. Freedman House options analysis – confidential discussion

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. Harmed Patient Care Pathway

The CEO gave a comprehensive update on the progress of AvMA's Harmed Patient Care Pathway (HPCP) (jointly shared with the Harmed Patients Alliance (HPA)) and asked the board to agree in principle to him looking into how [REDACTED] the charity's reserves might be spent to deliver this work more quickly (i.e. to look into what outputs/outcomes would make best use of such funds) before bringing a codified plan back to the board for approval.

Trustees discussed the proposal at length, agreeing this work was a high strategic priority and would be tremendously beneficial. [REDACTED]

[REDACTED]

[REDACTED] be formalised if possible. She also asked the board/management team to think hard about the mechanisms for delivering this work, whether it be by training, consulting, social media campaigns, etc.

A trustee asked for confirmation that this one-off expenditure would be captured so the board could keep track of the cumulative effect of ad-hoc expenses agreed by trustees. Another felt it was important that beneficiaries attended meetings about this developmental work for their feedback.

[REDACTED]

C0114: PW to codify a plan for the HPCP for presentation December's board meeting, including beneficiary input.

C0115: PW/NR to capture and track this one-off expenditure through our accounts reporting.

9. Finance and investment committee report

Draft minutes of the meeting on 5th September 2023, the finance manager's report, and the latest management accounts had been circulated with the meeting's papers. New trustees and the CEO would pass their ID documentation to N. Bacon to scan across to N. Rushden, at the request of AvMA's investment managers. Via email, trustees would be asked to approve a change of signatories from Peter Walsh and N. Holland to P. Whiteing and M. Salter.

N. Rushden reported: i) the forecast for the current year was in line with budget more or less; ii) the operating deficit of -£104,000 was slightly down on budget; and iii) the forecast for solicitors' incomes was likely to be over optimistic by up to £30,000.

The treasurer explained the value of the charity's investments was in line with the economic downturn of recent months, and in a couple of years' time, the outcome would likely be in the charity's favour.

C0116: CP, PW and JH to give NB their ID documents for scanning across to NR.

C0117: NR to request trustees approve change of signatories via email.

N. Rushden left the meeting.

10. Policies

The *Policy on Policies* was approved as presented subject to the inclusion of a three-year review date. The *Lone Worker Policy* was approved subject to the same inclusion, and to the re-wording of section 2 in accordance with the changes verbally agreed at the meeting, i.e., to make it clear that it would be unreasonable to expect AvMA to alter Freedman House to enable someone to work alone in the building.

The CEO and a small group of trustees would review the remaining out-of-date policies.

C0118: NB to add a three-yearly review date to the Policy on Policies and the Lone Worker Policy.

C0119: BK to re-word section 2 of the Lone Worker Policy in line with the changes verbally agreed at the meeting.

C0120: PW and a group of trustees to review the remaining out-of-date policies.

11. Risk register

The board accepted the risk register as presented for information subject to the following amendments: CEO's retiring date to be corrected (R008); all arrows to point the correct way and show changes of direction since the board last met, with sideways arrows showing no change between board meetings; the junior accreditation scheme to be included as a mitigating action (R019); the additional risk of the NHS deteriorating to such an extent that AvMA could not support all those seeking its help (R023).

M. Andersson offered to make the register easier to read without magnification for those who receive it in paper form.

C0121: PW to amend R008, R019, R023, plus check arrows, on the risk register.

12. Quality and outcome committee report

L. O'Dwyer re-joined the meeting via Teams.

A. Khorana verbally reported back on the key items discussed at the committee's meeting on 14th September 2023. Re-engagement with beneficiaries was needed, he said, before proposing paying them for their time and engaging them on specific projects.

The committee had discussed whether AvMA could host a register of specialist counsellors for beneficiaries to consult. The CEO would contact Linda Kenwood (a trainer of counsellors specialising in harm/second harm) to explore how AvMA might support beneficiaries in this way without running any risks/incurred any responsibilities itself.

C0122: PW to contact Linda Kenwood re hosting a register of counsellors, and to check AvMA's insurance cover in event of advertising a non bona fide counsellor.

13. Income generation working group (IGWG) report

Draft notes of actions from the meeting on 11th September 2023 had been circulated with the meeting's papers. The group had discussed the need to develop an ethical investment policy. At its next meeting, on 5 October, it would be looking at ways of generating income. Ruth Mulandi (fundraising consultant) would no longer be attending the trustee awayday but would join the board for a separate event online. The penultimate paragraph of the circulated draft note of actions should read: "...the annual conference programme and that these events will be offered to Lawyers Services members at a suitable *discount*."

14. IT and digital strategy working group (IT&DWG) report

Draft minutes of a meeting on 11th August 2023 had been circulated with the meeting's papers. M. Andersson flagged that progress on the CRM project was slow despite N. Bacon and M. Lowry doing an excellent job. The deadline (end-of-2022) had passed; the work needed to be given higher priority/a stronger steer; this was the most significant project AvMA had ever undertaken, he said. In response to trustee questions, N. Bacon gave a detailed explanation of the internal challenges that had slowed progress. There were revised deadlines in place (phases 2 & 3 of the project had been timetabled to close by the end of 2023 with the testing starting later this year); however, staff commitment to the project was partly dictated by the day-to-day demands of the charity, and every change staff requested had further slowed progress, he explained.



The CEO reassured trustees that he and his team would reaffirm their collective responsibility to this project and make it work. Trustees were assured that many of the recommendations that had come from the discontinuation of Iplitic had been embedded in this project. At a trustee's request, there

would be an update on QOC data and the CRM at the next board meeting, to let QOC members know when they could start using that data.

At the chair's request, monthly reports on the CRM would be sent to M. Andersson, the financing of the project would be considered at IT&DWG meetings, and the project spend and timeline would be presented at board meetings.

C0123: NB to update at December's board meeting when QOC data would be available to pull out from the CRM and also the project's spend and timeline.

C0124: PW/NB to send monthly CRM progress reports to M. Andersson.

C0125: PW/NB/MA to review the financing of the CRM at IT&DWG meetings.

15. AOB

J. Hawdon would be added to the trustees' schedule of appointments. C. Browne's overdue reappointment as a trustee would be scheduled for December's AGM. The next board meeting would take place at a yet tbc location in central London.

In response to the chair's invitation for feedback on the meeting, trustees felt there had been a good discussion on strategic issues, and they welcomed the comprehensive reports being all in one pack. Even better would be if less time were spent on items/reports that were for information only.

There being no other business to discuss, the meeting ended at 16:50.

C0126: PW to add J. Hawdon to the trustees' schedule of appointments.

C0127: PW to add CB's reappointment as a trustee to December's AGM agenda.

16. Date of next meeting

Board meeting and AGM	Tuesday 5 December 2023	13:00 to 17:00
Gala dinner fundraiser	Friday 1 December 2023	TBC