

Action against Medical Accidents

Minutes of a board meeting

held on **20 June 2023** at 13:00

Freedman House, Christopher Wren Yard, Croydon

Present Jocelyn Cornwell (Chair), Nigel Holland (Treasurer), Amrat Khorana, Bill Kilvington

Present via Teams Mike Andersson, Caroline Browne, Janine Collier, Carol Parsons, Farrah Pradhan (associate trustee (left after item 5))

In attendance Nathan Bacon (Internal Operations Manager), Lisa O'Dwyer (Director Medico-legal Services), Nicky Rushden (Finance Manager), Paul Whiteing (CEO), Rachel Wright (minutes)

1. Appointment of new trustees and apologies of absence

The chair welcomed everyone to the meeting. Carol Parsons and Michele Salter were appointed to the board as trustees and Farrah Pradhan as an associate trustee. Apologies were received from Michele.

2. Declarations of interest

None.

3. Minutes of previous board meeting, 21 March 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 subject to the following minor corrections: item 1, "finance officer" to read "finance manager"; item 4, CEO's Report, paragraph 1, final sentence to read "From April, there would be an all-staff monthly meeting online, and an in-person all-staff meeting each quarter, to be held in the office."

Having met with some of the NHS Trusts piloting the Harmed Patient Care Pathway (HPCP), the CEO confirmed that conversations were being had with senior staff, typically those at patient-safety-director level.

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

4. Chair's report

The chair thanked the panel members who had interviewed the new trustees and N. Bacon for supporting the process. The appraisal process for trustees would be reinstated; all trustees would be asked to complete a structured questionnaire (based on a good-practice instrument) followed by a one-to-one conversation with the chair. C. Browne would appraise the chair, having first sought feedback from trustees. All appraisals to be completed by the end of September 2023.

The CEO's appraisal had been completed; he would email a copy of his objectives to all trustees.

Since the previous board meeting, trustees had collectively taken the decision to terminate the finance software implementation project, Iplicit. The contract had been formally terminated, confirmed the CEO, adding that there would be no refund because payments covered work that had already been carried out, and no further payments were owed. As well as agreeing to terminate the contract and absorb the loss of monies, trustees had asked the CEO and N. Bacon to produce a 'lessons learned' report for September's board meeting, noting that there were issues at every level. Trustees would hold an online meeting to consider the governance/oversight issues.

The chair thanked A. Khorana for raising £2,000 from his sponsored climb of Mount Snowdon.

The CEO would send out the date of the 2024 Annual Clinical Negligence Conference (to be held in March, in Leeds) as soon as possible.

At the chair's invitation, each trustee gave her/his preferences for the agenda/style of working for the board's strategy-planning awayday in October. There was a consensus that the day should be action orientated, leading to a tangible plan, and followed up on properly and promptly. Agenda items proposed included: the board's attitude to risk; an honest appraisal of each area of its activities; a revisiting of the discussions/outcomes of the previous awayday; further work on EDI; recommendations from the CEO as to ways forward for the charity; an evening social possibly with an overnight stay and a reconvening the following morning but noting this will involve additional cost which need to be considered. Opinion was divided on whether to have an external facilitator and/or breakout groups.

C084: JC to send trustee appraisal questionnaire to VN for circulation to the board.

C085: VN to make appointments for one-to-one conversations between JC and each trustee.

C086: CB to appraise JC, having first sought feedback from trustees.

C087: PW to email a copy of his appraisal objectives to all trustees.

C088: PW and NB to produce an Iplicit 'lessons learned' report for September's board meeting.

C089: JC/VN to arrange an online trustees-only meeting to consider the governance/oversight. issues raised by the termination of the contract with Iplicit.

C090: PW to send trustees the date of the 2024 ACNC as soon as possible.

5. CEO report

Copies of the CEO's report to trustees had been circulated with the meeting's papers. He highlighted: i) the first quarterly all-staff-in-person meeting had gone well with strong attendance and 94% of the respondents to an anonymous survey saying they had found the day useful; ii) Freedman House met the new Energy Performance Certificates (EPC) rules coming into effect in 2025; and iii) AvMA was the recipient of three new legacies. In response to a trustee question about raising the profile of legacies, the CEO said he would be talking to Communications and Fundraising Officer Paula Santos about making sure legacies form a part of AvMA's fundraising strategy just has it has in the passed.

In response to questions from the chair, the CEO reported: i) he had identified all the all-party parliamentary groups (APPGs) closest to AvMA's interests with a view to finding ways to engage and explore networking opportunities; and ii) he had recently met with two former AvMA beneficiaries, at their request: one, an author and whistleblower, who wanted to interview him for a book about the future of the health service; the other, a patient-safety campaigner, wanting to discuss his views on AvMA and patient safety.

In response to a trustee question, the CEO confirmed he would be tweeting about the Parliamentary and Health Service Ombudsman's forthcoming report (a thematic review of twenty-two healthcare deaths over the past 3 years) as soon as it was published on 29th June.

Farrah Pradhan left the meeting.

6. Operational plan 2023-24

The operational plan for 2023-24 had been circulated with the meeting's papers. The CEO would number each item and reinstate the traffic light rating system.

C091: CEO to number items in the operational plan and reinstate the traffic light rating system.

7. People and departmental reports

Copies of the reports had been circulated with the meeting's papers.

Trustees thanked N. Bacon for providing sickness and TOIL data in his report. In future people reports, he would show what percentage of contracted working days were taken as sick days and overtime. In response to a trustee asking whether training was evaluated, he explained that feedback on CRM training tended to be given during the training, and AvMA did not evaluate separate training, which was done externally. Evaluating training was worth doing, trustees advised.

The one-off, non-consolidated payment agreed by the board at its March meeting had been very well received by staff. Some staff had emailed the CEO to ask him to thank the board on their behalf.

Ideas/discussions from the management-team meeting day would feed into considerations for trustees at the strategy-planning awayday.

L. O'Dwyer flagged the £360,000 target for lawyers' service subscriptions might be a challenge and subscription letters went out late due to complications of working with the new CRM.

A trustee asked whether AvMA should donate towards the cost of commissioning an independent academic report to assess how much would need to be invested in social care to make a no-fault compensation scheme for clinical negligence claims viable and also the cost implications on the NHS if Section 2 of the Personal Injuries Law Reform Act 1948 was repealed. L. O'Dwyer replied that, in principle, AvMA should consider this, but it was too early at this stage; it needed to get more traction before the charity was in that position.

Following a conversation about fixed recoverable costs, C. Parsons offered to put L. O'Dwyer in touch with the Association of Consumer Support Organisations (ASCO).

At trustees' request, L. O'Dwyer gave an overview of the Maternity Voices Action Group (MVAG) and the Early Notification Scheme (within which MVAG had been set up). She also gave a comprehensive summary of her reports on the helpline, the inquest service, the lawyers' service subscriptions, fixed recoverable costs (FRC), and the written advice and information service.

Of particular note was the drop in new client forms post pandemic, perhaps due to people self-serving more from the website. The charity's social media strategies were working well, helping to raise AvMA's profile.

The CEO flagged the positive fundraising report circulated with the meeting's papers. Communications and Fundraising Officer Paula Santos was performing well in her new role; she, the CEO and N. Bacon would devise a fundraising strategy to formalise the direction of AvMA's fundraising. At trustees' request, the CEO would ask P. Santos and L. Thomas if they would like to attend board meetings sometimes.

Trustees thanked the departmental managers for their helpful reports.

C092: NB to show, in future people reports, what percentage of contracted working days were taken as sick days and overtime

C093: NB to consider evaluating staff training

C094: CP to give LOD details of useful contacts at ASCO

C095: PW to ask P. Santos and L. Thomas if they would like to attend board meetings sometimes.

8. Policy updates

M. Andersson and B. Kilvington were thanked for their work on the draft policy on policies, which had been circulated with the meeting's papers. The section on values would be reinstated and the paragraph numbering restored. The consensus was that this was an extremely useful policy template. It would be approved at September's board meeting.

Trustees felt policies had taken up too much board-meeting time recently. It was agreed: i) policies would be circulated to trustees in advance of meetings for comment with amendments discussed online and a final version presented at board meetings; and ii) only policies that had been put before key stakeholders would be brought to the board and then, in the case of revised policies, trustees need only be notified of key changes.

N. Bacon would pick up on C. Browne's proposed changes to the Freedman House Lone Worker policy as summarised in the previous board meeting minutes. He would send a Word version to M. Andersson for his amendments.

C096: NB to reinstate the numbering and section on values in the draft policy on policies.

C097: PW to circulate new draft policies in advance of meetings: feedback to be discussed online with a final version presented at board meetings. Trustees to be notified of key changes only to revised policies that had had key stakeholders' input.

C079: NB to pick up on CB's proposed changes to the Lone Worker policy as summarised in the previous board meeting minutes.

C098: NB to send a Word copy of Lone Worker policy to MA for his amendments.

9. Income generation working group (IGWG) report

Draft notes of actions from meeting on 3rd May 2023 had been circulated with the meeting's papers. The group was doing a reset; the opportunities register had been re-evaluated; the terms of reference had been expanded to include current income as well as alternative and new income, and income from big events such as the annual conference. External expertise was needed to think about alternative income streams (not fundraising/grants), the CEO said. He was having useful conversations with an external fundraising/grants expert.

Trustees collectively agreed that a cross-fertilisation of the board's committees was needed: those involved in setting the budget needed to be involved in the IGWG, and there needed to be a clear strategy for income generation with an agreed target/percentage of budget for income generation, which would help the IGWG evaluate its work. This would be picked up as part of the board's self appraisal and with new trustees joining the board there is an opportunity to review committee membership generally.

C099: JC to consider committee membership as part of appraisal process and in discussion with new trustees

10. Finance and investment committee report

Draft minutes of the meeting on 23rd May 2023, the finance manager's report, and the latest management accounts and investment summary had been circulated with the meeting's papers. Also circulated: a revised long-range financial planning cycle; a proposal on delegated authority limits; and a property valuation paper for decision.

The treasurer drew trustees' attention to 23/24's operating deficit of **-£151,000**, **-£101,000** for one-off items, and the net loss of **-£274,000**. The charity's willingness to fund lots of worthy things, including giving staff a one-off cost-of-living-crisis payment, had a cumulative effect, which was not compatible with its sustainability, he said. These one-off expenses needed to be dialled back unless the IGWG could convince the board otherwise. Trustees should, and would, be reminded to check the one-off-items schedule when approving additional expenditure, to assess the cumulate effect.

Delegated authorisations

After a lengthy discussion that covered safeguarding issues such as phishing scams, trustees approved the delegated authority limits proposed in paper 10.4 of the meeting's papers subject to the following amendments:

- i) The within-budget limit for all managers would be increased to £30,000, not £50,000 as proposed

- ii) The asterisked text for “1. Within budget (*)” would be amended to “items for which the budget has been assigned” and would be written into the table
- iii) The asterisked text for “2. Above/not in budget (*)” would be amended to “items for which the budget has not been assigned” and would be written into the table
- iv) The sentence “These limits will apply to all expenditure types including salaries, fixed assets and other balance sheet items” would be changed to “These limits will apply to all expenditure types including salaries, fixed assets and other balance sheet items, but excluding salaries for agreed-budgeted posts.” A business case must continue to be made for salaries for new posts, trustees agreed.

Property valuation

Trustees were recommended to approve the following, as presented in paper 10.5 of the meeting’s papers:

1. the valuation of Freedman House in the statutory accounts at 31/3/23 (a valuation of £1,727,000 based on rental of £17.50/sq ft and yield of 7.0%); and
2. the policy to calculate materiality at 20% of the current property value.

The CEO and finance manager had made their recommendation on the understanding that the board was responsible for determining a materiality figure; however, the treasurer reported Noelia Serrano of the charity’s auditors had told him that new financial regulations meant the auditors had a call on this and according to their audit memorandum the materiality threshold was 2% of revenues.

During the lengthy discussion that followed, trustees opined that 20% was a fair figure and, moreover, the considerable expense of full, formal surveyor’s valuation of the building at this point would not be in the charity’s best interest; however, a decision was eventually reached not to approve the recommendations cited above, but rather to commission an external valuation this year, before having a face-to-face discussion with the auditors about the frequency of formal valuations in future.

The board noted the updated version of the long-range financial-planning cycle that had been circulated with the meeting’s papers.

CO100: NB to arrange a suitable formal property valuation through our Estate Agent.

11. Quality and outcome committee (QOC) report

J. Collier gave a verbal summary of the meeting held on the 8th of June 2023. Draft minutes had been sent to members. The CEO would pick up with beneficiary representatives to explain why they might benefit from attending QOC meetings. The certificate of competence scheme had been making good progress.

The committee reported that there had been an in-depth, lively discussion at its meeting about whether there was a strategic importance for AvMA around the HPCP. Fundamental governance issues still needed to be addressed, flagged one trustee; without decisions on these issues QOC was unable to oversee whether HPCP met its objective. The CEO explained that this work was owned by a collective group of people, not AvMA, and the collective needed to be asked what it wanted its/AvMA’s involvement to be. The CEO would try to reconvene the collective to reset a framework to take this forward, and to recheck everyone’s time commitment. This would be an agenda item for September’s board meeting.

C0101: PW to explain to beneficiary representatives the benefits of attending QOC meetings.

C0102: PW to reconvene the HPCP collective to reset a framework to take this work forward.

C0103: PW to put AvMA's relationship with the HPCP on September's board mtg agenda.

12. IT and digital strategy working group report

M. Andersson and N. Bacon gave a verbal summary of the meeting held on the 31st of May 2023. With regards to the CRM project, memberships had gone live; the expert-requests process was in its final stages; staff were being trained in events processes ahead of going live; the referral panel- and find-a-solicitor processes (smaller pieces of work) were in development; case work would be picked up in the autumn; cross-checks to make sure there were no duplications between the CRM and finance systems would begin end of 2023/early 2024.

In response to a trustee question about savings incurred once Seneca was no longer in use, N. Bacon said savings amounted to approximately £7,000, i.e., Seneca's yearly licence fee per user.

The IT&DS working group flagged that it did not look into the finance details of any IT project and if neither did the FIC then this was a grey area that needed addressing.

The IT points raised in the staff survey would be raised in staff meetings.

Trustees asked to be reminded, in time for QOC's September meeting, of what they had asked for when the CRM specification was being developed.

C0103: NB/MA to remind trustees, in time for QOC's September meeting, what they had asked for when the CRM specification was being developed.

13. Risk register

Trustees approved the reformatted and revised risk register circulated with the meeting's papers and thanked the CEO for his work on this.

14. AOB

M. Andersson offered to talk one-to-one with C. Parsons, to answer any questions she might have about her new role as an AvMA trustee.

In response to the chair's invitation for feedback on the meeting, trustees said there had been constructive discussions enabled by the reports that had been sent out, and they welcomed being asked for their views on the forthcoming strategy-planning awayday. Even better would be if papers on which they had to make decisions were discussed earlier in meetings, not left to the end.

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

15. Date of next meetings

Board Meeting	Tuesday 26 September 2023	13:00 to 17:00
Board Meeting and AGM	Tuesday 5 December 2023	13:00 to 17:00
Gala dinner fundraiser	Friday 1 December 2023	TBC

Schedule of Board Meeting Actions (updated 20/6/23)

Action	Date Agreed	Item	Issue	Description	Person responsible	Date completion for	Progress Completed /
C001	29.9.20	10	AvMA Website	Proceed with procurement work and develop a financial business case to board for approval before entering into website development contract.	PS/NB	Spring 2022	Delayed until after CRM completion later in 2023
C059	27.9.22	6	Policy on Policies	Work on and bring revised version to December Board	MA/BK/PW/NB	Mar 2023	CLOSED
C064	13.12.22	8	EDI audit report	Discuss the report with managers and JC and propose a way forward at the next Board meeting	PW	Mar 2023	CLOSED (To be rolled into strategy development)
C065	13.12.22	10	HPCP	Consider applying for funds for HPP project management	PW	Mar 2023	CLOSED Agree to consider this after assessment of Trust pilot assessment
C067	13.12.22	13	Risk Register	Update register as discussed	PW	Mar 2023	CLOSED
C068	21.03.23	3	IGWG remit	Discuss remit of IGWG	JC/PW/MA	Jun 2023	CLOSED
C069	21.03.23	4	Agenda hyperlinks	Format board papers to include agenda hyperlinks	VN	Jun 2023	CLOSED
C070	21.03.23	4	Board recruitment	Commence further board recruitment	JC/PW	Jun 2023	CLOSED
C071	21.03.23	4	HPCP	Establish the level of staff involved in HPCP	PW	Jun 2023	CLOSED (See QOC minutes 8/6/2023)
C072	21.03.23	4	Government consultation on modernising healthcare professional regulators	Inform board of ramifications of Government's framework for reforming regulatory roles after discussion with Liz Thomas, and alert board to future major consultations for its input.	PW/LT	Jun 2023	CLOSED (Concerns were sent out to trustees)
C073	21.03.23	5	Website redevelopment	Meet with Productle to assess their suitability for undertaking digital strategy assessment	PW	Jun 2023	CLOSED (PW & NB met with- and were satisfied with Productle's suitability)
C074	21.03.23	5	Pay and structure review	Add review of pay and structure to the operational plan's overarching priorities, and feedback to board at June meeting	PW	Jun 2023	PW & NB will schedule this into the current year's work schedule
C075	21.03.23	6	HR reports	Provide sickness and TOIL trend data in HR reports	NB	Jun 2023	CLOSED
C076	21.03.23	6	Staff working hours	Consider heightened risks of working long hours when remote working	PW	Jun 2023	CLOSED
C077	21.03.23	6	Hybrid working	Review hybrid working and report back to the board	PW	December 2023	OPEN
C078	21.03.23	6	Freedman House Lone Worker policy	Review policy on policies and issue lone worker policy in draft in the meantime	NB/PW/MA/BK	Jun 2023	CLOSED

DRAFT

Action	Date Agreed	Item	Issue	Description	Person responsible	Date completion for	Progress Completed /
C079	21.03.23	6	Freedman House Lone Worker policy	Email Nathan with comments	CB	Jun 2023	NB to pick up on C. Browne's comments summarised in March's board mtg minutes.
C080	21.03.23	7	Authorisations	Draft a policy on authorisation limits	PW/NR	Jun 2023	CLOSED
C081	21.03.23	9	IT and digital strategy group	Consider a different working group in time to address digital strategy	PW	September 2023	OPEN
C083	21.03.23	10	Trustee awayday	Work on date for trustee awayday along with staff involvement	PW/JC	April 2023	CLOSED
C084	20.06.23	4	Trustee appraisals	Send appraisal questionnaire to VN for circulation to the board	JC	All appraisals to be completed by end of September 2023	
C085	20.06.23	4	Trustee appraisals	Book one-to-one appointments for JC with each trustee	VN	All appraisals to be completed by end of September 2023	
C086	20.06.23	4	Chair appraisal	Appraise the chair, having first sought feedback from trustees	CB	End of September 2023	
C087	20.06.23	4	CEO's appraisal objectives	Email his appraisal objectives to all trustees	PW	June 2023	
C088	20.06.23	4	Implicit termination of contract	Produce a 'lessons learned' report for September's board meeting	PW/NB	Sept 2023	
C089	20.06.23	4	Implicit termination of contract	Invite trustees only to an online mtg to consider the governance/oversight issues raised	VN	Before Sept's board mtg	
C090	20.06.23	4	ACNC	Send trustees the date for the 2024 conference asap	PW	June 2023	COMPLETE
C091	20.06.23	6	Operational plan	Number items and reinstate the traffic light rating system	PW	September 2023	COMPLETE
C092	20.06.23	7	People report	Show what percentage of days contracted to work were taken as sick days and overtime	NB	September 2023	
C093	20.06.23	7	People report	Consider evaluating staff training	NB	September 2023	
C094	20.06.23	7	FRC	Provide LOD with details of useful contacts at ASCO	CP	September 2023	
C095	20.06.23	7	Invitation to board meetings	Ask P. Santos and L. Thomas if they would like to attend board meetings sometimes	PW	September 2023	In-hand
C096	20.06.23	8	Policy on policies	Reinstate the numbering and section on values	NB	September 2023	
C097	20.06.23	8	Policy reviews	Circulate new policies (once stakeholder approved) in advance of board meetings for online discussion with final version presented at board meetings. Trustees to be notified of key changes only to revised policies that have already had been run past stakeholders	PW	September 2023	
C098	20.06.23	8	Freedman House Lone Worker policy	Send Word copy of policy to MA for his amendments	NB	September 2023	
C099	20.6.23	9	Trustee appraisals	Consider committee membership as part of trustee appraisals process and in discussions with new trustees	JC	September 2023	COMPLETE
C100	20.6.23	10	Property valuation	Arrange suitable valuation through Estate Agent	NB	September 2023	
C0101	20.06.23	11	QOC meetings	Pick up with beneficiary representatives to explain how they might benefit from attending QOC meetings	PW	September 2023	COMPLETE
C0102	20.06.23	11	HPCP	Arrange a reconvening of the HPP collective to reset a framework to take this work forward	PW	September 2023	COMPLETE
C0103	20.06.23	11	Agenda for September's board meeting	AvMA's relationship to the HPP to be made an agenda item	PW	September 2023	COMPLETE
C0104	20.06.23	12	CRM specifications	Remind trustees what they asked for when the CRM specification was developed	NB/MA	In time for QOC's Sept mtg	

