

Action against Medical Accidents Minutes of Board meeting

Held on **21st March 2023** at 13:00 at Freedman House, Christopher Wren Yard, Croydon

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

Present via Teams Mike Andersson, Janine Collier (joined after item 3)

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

1. Apologies of absence

The chair welcomed everyone to the meeting, P. Whiteing's first as CEO. Apologies were received and accepted from Nicky Rushden, Finance Manager.

2. Declarations of interest

None.

3. Minutes of previous Board meeting, 13th December 2022

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.

The role of chair of the income generation working group (IGWG) would be filled by rotation, starting with M. Andersson.

The chair, CEO and M. Andersson would meet separately to discuss the remit of IGWG to also include existing income streams.

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

C068: PW/JC/MA to discuss remit of IGWG

4. Chair's report and CEO's report

Chair's report

The chair had met fortnightly with the CEO, who had got off to a great start, trustees agreed. They welcomed the more user-friendly format of the board papers and requested the addition of hyperlinks in the agenda, to further improve navigation of the papers. The chair re-issued the standing invitation to all senior managers to join board meetings, to help narrow the gap between trustees and staff.

C069: VN to format board papers to include agenda hyperlinks

Maggie Davies and Mary Smith had had to take sabbaticals for personal reasons from the board but legally these would be treated as resignations from the board. The chair expressed

concern there were too few trustees to share the workload and insufficient breadth of expertise to advise on income generation, finance, comms and social media. She would write a report for the next meeting proposing some changes in light of these skill gaps. Trustees suggested: i) if there were two very strong candidates for the treasurer vacancy then both should be appointed to the board; and ii) the recruitment of two trustees to replace those who had resigned should begin straightaway. The chair was particularly keen to welcome applications from beneficiaries of AvMA's services or those with lived experience of medical negligence who also had the required expertise.

C070: JC to work with PW to commence further board recruitment

J. Collier joined the meeting.

CEO report

Copies of the CEO's report to trustees had been circulated with the meeting's papers. He had met each member of staff individually to better understand their role and views about remote working (mainly positive). From April, there would be an all-staff monthly meeting online, and an in-person meeting each quarter, to be held in the office.

Two floors of Freedman House were now vacant; the second-floor tenants had recently gone into liquidation. The CEO remained confident about paying for some improvements to the building to capitalise on rental income despite the downturn in the commercial property market locally.

There had been a great many requests for AvMA's data and case studies from the media, which had been time consuming for the staff team; however, they had responded well to the challenge. In response to a trustee query, the CEO confirmed he was mindful of the perceived journalistic integrity of some of the publications that had sought information. The CEO was directed to the expertise around the table when dealing with press enquiries.

Progress with testing the Harmed Patient Care Pathway (HPCP) pilot in ten NHS Trusts had been slow; however, willingness to engage largely remained, reported the CEO. The chair's concern that these conversations might not be being held with those of sufficient seniority in the NHS to bring about change was noted. The CEO would further establish the level of staff who are involved.

Despite the CEO repeatedly trying to set up separate meetings with NHS England, the Minister for Patient Safety and his opposite number, Wes Streeting, he had had no response as yet.

In response to a question about whether trustees need be aware of anything in the Government's first response to its consultation on modernising healthcare professional regulators, the CEO briefly outlined the Government's framework for the reformation of all the regulatory roles it will work through. He and Liz Thomas would discuss the ramifications of this. The CEO would alert trustees to major consultations in future to give them the opportunity to feed in their responses.

Trustees thanked the CEO for his comprehensive report.

C071: PW to establish the level of staff involved in HPCP

C072: LT/PW to discuss the ramifications of the Government's first response to its consultation on modernising healthcare professional regulators

5. Operational plan 2023-24

The operational plan for 2023-24 had been circulated with the meeting's papers. The CEO summarised the key external and internal challenges facing the charity and its overarching priorities, as explained in the operational plan.

In response to a trustee asking: i) when the website would be launched; and ii) noting the large hike in cost, N. Bacon explained that the website project had developed into part of a bigger digital strategy, which included social media, which linked to fundraising, beneficiary engagement, etc. He assured trustees the website's relaunch was regarded as a priority; however, the CRM had had to be working first. The higher strategy work could be started in June/July at the earliest, he said. The board would need to be involved early on with the website because it had so many strategic touchpoints, observed the chair. N. Bacon recommended continuing to use the services of Productle to provide advice on digital strategy procurement, rather than going out to tender, because Productle already had a good understanding of the charity and its digital needs and its pricing was reasonable. The CEO would meet Productle before proceeding further.

A review of pay and structure should be included in the operational plan's overarching priorities, suggested a trustee. The CEO would feedback on this and website timing/developments at the next meeting.

C073: PW to meet with Productle

C074: PW to feedback on review of pay and structure and website timing/developments at the next meeting

6. People reports

Staff annual pay increase

The board was asked to consider the following recommendations:

- i) All staff at AvMA, other than those under notice to leave, to be awarded a pay increase of 5.5% as of 1st April.
- ii) All staff at AvMA, bar those under notice to leave, to be awarded a one-off, non-consolidated one lump sum payment of £800, as of April 1st, in recognition of the prevailing exceptionally high levels of inflation/cost-of-living crisis.
- iii) The one-off, non-consolidated, lump sum payment of £800 would **not** be pro-rated for part-time staff.

After lengthy discussion, the board accepted the first recommendation by a majority vote. Again by a majority vote, they agreed to award all staff at AVMA, other than those under notice to leave, a one-off, non-consolidated lump sum payment of **£1,000**, as of April 1st, in recognition of the prevailing cost-of-living crisis. This one-off, non-consolidated lump sum payment would be pro-rated for part-time staff on the grounds of fairness. In response to a question about when the staff would be told the outcome of the decision on pay, the CEO confirmed he would send an e-mail at the beginning of the following week.

People report with annual staff and volunteer surveys

Copies of the report and surveys had been circulated with the meeting's papers. Trustees were pleased to have feedback from staff and volunteers and were impressed with the high

degree of staff satisfaction overall. 85% of staff and a third of volunteers had completed the two internal surveys.

The single negative comment about the recent Equality, Inclusion and Diversity (EDI) report by one member of staff was noted with concern. Going forward, clarity of communication would be key with this work, N. Bacon and L. O'Dwyer said. Expectations of the report would become clearer with the work the CEO would be doing with staff. It was noted that the report had been grounded in discussions the report's author had had with a wide range of people.

A trustee requested future people reports show trends in staff sickness and asked that the board be given an overview of how much time staff are working. N. Bacon to address the former, the CEO to consider the latter.

The chair flagged the challenge to all organisations of hybrid working and recommended the board review this way of working at AvMA once it had completed its strategy work. The CEO would bring this matter back to the board once all queries raised had been thought through.

[Freedman House Lone Worker Policy for approval](#)

N. Bacon gave some context to the policy, which had been circulated with the meeting's papers. After a lengthy discussion, trustees agreed the policy would be circulated to staff as a draft and used as such until the CEO, B. Kilvington, M. Andersson and N. Bacon had revised the charity's template for its policies (referred to as the policy on policies), and then emailed to the board for approval, with the mitigating actions taken flagged plus space given for a review date and signature.

C. Browne would email N. Bacon her proposed changes to the policy, i.e., the hazards and risks to be made clearer; an individual's medical suitability to work alone to be considered; the reporting of near misses to be highlighted; the heightened risks of lone working out of office hours to be considered.

[C075](#): NB to provide sickness and TOIL trend data in HR reports

[C076](#): PW to consider heightened risks of working long hours when remote working

[C077](#): PW to review hybrid working and reports back to board

[C078](#): NB/PW/MA/BK to review policy on policies and issue lone worker policy in draft in the meantime

[C079](#): CB to e-mail NB with comments

[7. Finance and investment committee report](#)

Draft minutes of the meeting on 28th February 2023, the finance manager's report and the latest management accounts and investment summary had been circulated with the meeting's papers.

The treasurer reported the charity was ahead of expectations according to the 10-year plan; however, the loss of rental income from the second-floor tenants had increased the budget operating deficit for 2023/24 from **-£111,440** to **-£151,732**.

He advised against withdrawing investments from the stock market at this juncture, explaining why the recent failure of Credit Suisse and two US banks was highly unlikely to precipitate a global banking crash. Historically, AvMA's investments had performed well. He advised

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against withdrawing the charity's cash in UK banks, explaining why the risk of insolvency in UK banks was lower than that of US banks.

Managers had, in recent months, signed off (legitimate) expenses above their authorisation limits, flagged the treasurer. The CEO and N. Rushden would write a policy on authorisations generally.

Trustees thanked the treasurer for his report.

C080: PW/NR to draft a policy on authorisation limits

8. Quality and outcome committee (QOC) report

C. Browne gave a verbal report on the meeting held on the 9th of March 2023. There would be a reset of the programme of work for the HPCP; it should not be held up waiting for the outcomes of the NHS pilots, it was agreed. There were discussions about beneficiary engagement and the committee's priorities for over the next year. It was agreed: i) review of the conference function was an operational issue, not a QOC responsibility; and ii) the work of Ed Maycock and his team would best be reviewed from an impact and quality perspective by IGWG.

The committee would look at the panel process. It discussed adding the following risks to the risk register: possible impact of FRC on beneficiaries; possible risks for beneficiaries of the deterioration of the NHS; mitigating the loss of knowledge of key staff when they retire.

9. IT and digital working group report

M. Andersson gave a verbal report on the meeting held on the 10th of March 2023. CRM, Iplc and the digital strategy/website development were discussed. The committee was impressed with the contributions made by new members Paula Santos and Zeina Lee.

N. Bacon gave an update on the CRM. The lawyer-services-subscription element had successfully gone live a week earlier, and the other elements of phase 3 were going well. He explained why Events (phase 2) had been paused. Phases 4 and 5 had yet to be started. Trustees were pleased with such positive news, given previous slippage. It was a considerable achievement to have got this far, given the many difficulties encountered on the way, said M. Andersson. The CEO and trustees praised the staff who had worked on this.

N. Bacon gave an update on Iplc: a project plan was being put together. June was given as a potential go-live date.

M. Andersson explained why the digital strategy went beyond the remit of this working group. It was agreed the board should have oversight of the digital strategy, with the IT and digital working group having responsibility for technology. The CEO would consider setting up a different working group to oversee things that did not fall under 'technology'.

C081: PW to consider a different working group in time to address digital strategy

10. Risk register update and review

The CEO recommended adding a new risk around the failure of compliance to statutory obligations, to be on the register for approx. 6 months. He also proposed adjustments to the

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following existing risks: significant drop in income from lawyers; loss of rental income; loss of income from fundraising due to the cost-of-living crisis.

Trustees agreed to the recommendations. Following a lengthy discussion, the CEO was tasked with making some proposals for the reformatting of the register plus the additional risks discussed (taking into account suggestions from the chairs of the committees/working group) and then presenting these to the board at its June meeting. Additional risks flagged by trustees during the meeting included: those raised in the QOC report; reputational risk; the consequences of hybrid working, particularly for younger members of staff and their development; concerns about dropping R010 with its implications for wheelchair users and lone working.

A date for the trustee awayday had yet to be set. The CEO would talk to the management team about staff involvement in this.

C082: PW to update risk register

C083: JC to work with PW on a date for a trustee awayday along with staff involvement

11. AOB

A discussion about the possibility of letting out the whole of Freedman House was needed, trustees said.

In response to a comment on the staff survey about the charity's generous reserves, the treasurer pointed out the need to weigh this against AvMA's year-on-year losses. The CEO suggested being more pro-active about seeking legacies. One suggestion was to re-establish contact with wealthy former beneficiaries of AvMA.

There being no other business to discuss, the meeting ended at 16:10.

12. Date of next meeting

Tuesday June 20th 2023.

Schedule of Board Meeting Actions (updated 28/3/23)

Action	Date Agreed	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 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	Now March 23	Delayed. June 2023
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	PW1	March 23	Complete and to be rolled into strategy development
C065	13.12.22	10	HPP	Consider applying for funds for HPP project management	PW1	June 2023	Agree to consider this after assessment of Trust pilot assessment
C067	13.12.22	13	Risk Register	Update register as discussed	PW1	March 23	Revised to Jun 23 to allow for changes recommended at mtg on 21.03.23
C068	21.03.23	3	IGWG remit	Discuss remit of IGWG	JC/PW/MA	June 23	
C069	21.03.23	4	Agenda hyperlinks	Format board papers to include agenda hyperlinks	VN	June 23	
C070	21.03.23	4	Board recruitment	Commence further board recruitment	JC/PW	June 23	
C071	21.03.23	4	HPCP	Establish the level of staff involved in HPCP	PW	June 23	
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	June 23	
C073	21.03.23	5	Website redevelopment	Meet with Productle to assess their suitability for undertaking digital strategy assessment	PW	June 23	
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	June 23	
C075	21.03.23	6	HR reports	Provide sickness and TOIL trend data in HR reports	NB	June 23	
C076	21.03.23	6	Staff working hours	Consider heightened risks of working long hours when remote working	PW	June 23	

Action	Date Agreed	Item	Issue	Description	Person responsible	Date for completion	Progress / Completed
C077	21.03.23	6	Hybrid working	Review hybrid working and report back to the board	PW	December 23	
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	June 23	
C079	21.03.23	6	Freedman House Lone Worker policy	Email Nathan with comments	CB	June 23	
C080	21.03.23	7	Authorisations	Draft a policy on authorisation limits	PW/NR	June 23	
C081	21.03.23	9	IT and digital strategy group	Consider a different working group in time to address digital strategy	PW	June 23	
C082	21.03.23	10	Risk register	Update risk register	PW	June 23	
C083	21.03.23	10	Trustee awayday	Work on date for trustee awayday along with staff involvement	PW/JC	April 23	