

Minutes

MINUTES OF THE MEETING OF ACTION AGAINST MEDICAL ACCIDENTS Held on 28th March 2017 at Freedman House

Present: Suzanne Shale – Chair
Angela Brown – Treasurer
Philip Dolan
Ray Greenwood
Aideen O'Neill
Barbara Ross
Hilary Scott
Rachael Vasmer

In attendance: Peter Walsh – Chief Executive & Company Secretary
Hugh Williams – Deputy Chief Executive
Nicky Rushden – Finance Manager (part)

Apologies: Malcolm Alexander
Ceri Edwards
Nigel Holland
Jim Petter

1. Chair's introduction and Trustees' observations:

Trustees and staff presented shared personal reflections on pieces of AvMA's work with which they were particularly pleased since the last meeting. Issues included the Trustee appraisal process; work on promoting Duty of Candour; work on Fixed Recoverable Costs; recent fundraising events; Theory of Change work; the speed with which Finance Committee minutes were turned around and positive feedback from clients in the departmental reports.

2. Apologies for absence:

Apologies had been received from Malcolm Alexander, Ceri Edwards, Nigel Holland and later from James Petter.

3. Minutes of Council Meeting held 6th December 2016:

The draft minutes were AGREED as an accurate record. It was clarified that we were still waiting to hear from the London Ambulance Service about potential work on Duty of Candour (bottom of page 1).

4. Minutes of Executive Committee Meeting held on 17th January 2017:

The minutes were noted. It was noted that since the Executive Committee meeting the tenant had paid for their outstanding rent; and that management were about to agree on how to recruit to the permanent Office & IT Manager post (bottom of page 3).

5. DH Consultation: Fixed Recoverable Costs

The concerns about the proposals discussed previously were noted. It was AGREED that the CEO would convene a meeting(s)/telephone conference(s) with Rachael, Angela and Aideen to discuss our response before sending to all Trustees for comment and responding. The CEO explained that managers were giving thought to alternatives to litigation which could be proposed in our response. It was agreed that the draft would be circulated in time for Trustee comment before submission

Action: PW/AB/AON/RV

It was suggested we should ask ourselves why the NHS Redress Scheme has not been introduced so far in England and how it was working in Wales. The importance of the independence of medical experts was also emphasised. It was noted that AvMA had met with fellow charities to brief them and that this went well. A joint letter to the Secretary of State expressing our shared concerns may emanate from this.

6. Update of Theory of Change:

The updated Theory of Change maps were noted. It was noted that managers were still getting to grips with this process and further work was required on getting the relevant statistics, financial information, and impact data. It was noted the maps would be used in making decisions on what parts of AvMA's work are most important to continue or develop. They would also help 'tell the charity's story'. Trustees noted that the ToC maps provided a clear picture of the organisation's activity and potentially provided a balanced overview of expenditure in relation to impact, vital for strategic planning purposes. It was suggested that the phrase "harm made good" may be inappropriate in that people who have experienced harm might be offended at the suggestion it can be made good. It was AGREED that the CEO would come up with a suggested new wording.

7. 35th Anniversary progress report:

The report was noted. Trustee involvement in these fundraising activities was discussed, and the Chair emphasised that Trustees had a vital role to play as organisational ambassadors and in maximising the return on fundraising activity. For this reason, Trustees would be invited to attend specific fundraising events, taking into account the need to ensure that events were covered in the most economic way possible e.g. Trustees who lived closest to regional events would be invited to attend those events. It was intended to involve Trustees equitably so that all had opportunity to participate. It was AGREED to circulate details of events and the CEO would identify events where specific Trustees' involvement was sought.

Action: PW

It was noted that at present the events did not include anything in Scotland or Wales, and care was needed to be taken to avoid being London-centric.

The proposal to allocate up to £10,000 to commission promotional films to use during the anniversary and years to come was AGREED. It was noted that this was one-off expenditure which was more than offset by fundraising for the 35th anniversary year. It would not affect our ability to meet targets set for deficit reduction. The importance of keeping materials up to date was noted. It was agreed that the films be specifically used to promote fundraising as

well as awareness. It was suggested that we should endeavour to engage a broadcaster in making a documentary about AvMA.

8. Finances:

Minutes

The minutes of the Finance Committee were noted. The Treasurer reported that FIC members thought that the Financial Report to the Board Meeting of 28 March 2017 did not fully reflect the discussion that had been had at the Finance and Investment Committee regarding award of a cost of living increase to staff, and as minuted in the record of the FIC meeting. FIC's preference was to defer the matter to the next FIC meeting, so that more information on potential savings and wage comparisons could be considered

Management accounts

The management accounts were noted. There was some discussion of the presentation of Management Accounts and whether they enabled Trustees to identify trends in expenditure. It was suggested that presentation of management accounts be discussed in FIC.

Action AB/NR

Budget

The first draft budget had been discussed at FIC, and recommended to Council as consistent with the deficit reduction strategy agreed in December 2016. At Council it was noted that management had identified a further £3,000 of savings since the draft budget was produced and had been discussed at the FIC meeting. Subject to the decision to be taken regarding the staff cost of living award (next item) Council AGREED to the provisional budget proposal for 2017/18 which forecast a £160,031 operational deficit. .

Staff cost of living award:

AvMA's existing policy is that Council award a cost of living increase where, in its opinion, this can be afforded by the organisation. The AGREED budget meant that it would be possible to award a 1% cost of living increase, and stay within the agreed target for deficit reduction. It was pointed out that the rate of inflation was currently around 2%. However, a 2% cost of living increase, in line with inflation forecasts, could not be met within this year's budget and deficit reduction target. As noted above and in FIC minutes FIC preference was to defer a decision on the pay award for further consideration. The Chief Executive recommended a 1% pay rise as a suitable compromise consistent with the deficit reduction strategy.

Staff left the room for this discussion. Members of FIC reiterated their strong preference that a decision on the pay award be deferred whilst further information was gathered, and that a recommendation from FIC should be brought to a future Council meeting. The Chair noted the existing remuneration policy and deficit reduction target, and that proposals for staff remuneration consistent with these were within the scope of the responsibility of the Chief Executive.

It was AGREED to award a 1% cost of living increase for 2017-18.

9. Fundraising:

The confidential report on fundraising was noted. It was noted that fundraising had in the last two years not met the minimum desired figure of twice the direct costs of employing a Fundraising Manager by a significant margin. Projections for 2017-18 indicated this would continue to be the case even with the benefit of being the charity's 35th anniversary year. In addition to financial shortfall this constitutes a reputational risk for the charity. Taking into account past fundraising performance prior to appointment of a Fundraising Manager, and also the development of some fundraising capacity within the organisation during the tenure of the current Fundraising Manager, it was argued that the charity could potentially improve its position if it reviewed its approach.

Council discussed the business case made for deleting the post of Fundraising Manager. The Chief Executive pointed out that there were very real challenges faced by the current Fundraising Manager and that a lot of hard work and creativity had been put in resulting in the charity being better positioned than it had been four years ago. However, on the basis that twice the direct cost of employing a Fundraising Manager was the minimum return required, his recommendation was to delete the post of Fundraising Manager, take responsibility for leadership in fundraising himself, and redistribute some responsibility for fundraising to other members of staff. This recommendation was made strictly on grounds of return on fundraising investment. It was confirmed that professional legal advice was being taken and followed with regard to potential redundancy; that AvMA intended to act fully in accordance with employment law and good practice guidelines; and that AvMA holds insurance indemnifying the organisation so long as we act in accordance with legal advice.

It was AGREED to instigate a two week consultation with the Fundraising Manager on the possibility of making the post holder redundant and to consider any alternatives put forward including alternative employment. Following this a final decision would be made. Executive Committee would oversee the process and if appropriate Council would be consulted further.

It was suggested that should the post of Fundraising Manager be deleted following the consultation process, the organisation might wish to commission external advice or bespoke fundraising consultancy if and when required. It was also argued that should the Fundraising Manager post be deleted the long-term fundraising strategy should be informed by AvMA's short term experience of fundraising without a Fundraising Manager and any use of consultancy options.

It was AGREED that, depending on the outcome of the consultation with the post holder, limited expenditure on external fundraising consultancy was permissible.

Action: PW

10. Rapid Resolution and Redress Scheme Consultation:

The Department of Health Consultation and the summary of issues of concern and potential were noted. The importance of meaningful apologies was stressed. It was AGREED that Hilary and Rachael discuss with the CEO and other staff and agree on a draft response for circulation to all Trustees before submission. It was agreed that the draft would be circulated in time for Trustee comment before submission.

Action: PW/HS/RV

11. CEO & DCEO Report

The report was noted.

12. Departmental Reports/Objectives

The reports were noted. It was felt that Council has insufficient time to consider these departmental reports in depth and it was recognised that this is a weakness in our current quality governance arrangements . The Chair has proposed that a ‘Quality and Outcomes sub-group’ of Trustees be established to work more closely with management on service quality and impact issues. Once established, Departmental Reports and / or other data should receive proportionate review in this forum.

It was AGREED in principle to establish the sub-group subject to further discussion with Management and in consultation with interested Trustees.

Action: PW/SS

13. Recruitment of Trustees

The paper was noted. It was AGREED to proceed with recruitment of new Trustees with the aim of appointing by June Council according to the process outlined. The priorities would be to recruit Trustees who had either a background/expertise in fundraising; IT/healthcare informatics; healthcare human resources/workforce; influential role in professional and/or healthcare organisation regulation; influential role in medical law; patient leadership. At least one of the new Trustees would be selected with the additional responsibility of ensuring that AvMA was in touch with developments in patient safety and justice in Scotland. It was noted that the interests of Northern Ireland are not currently represented by a specific person in the Council.

It was AGREED that the Chair and CEO plan recruitment, advertising wherever we can get it for free, and also actively identifying and contacting potential candidates to advise them of the vacancies. Trustees are asked to submit names of possible candidates to CEO. Candidates would be interviewed by the Chair, CEO, another Trustee and where appropriate, another person with relevant knowledge/expertise in the desired role.

The question was raised whether a Trustee with experience as a beneficiary of AvMA should be appointed. This additional need should be considered further, and, in addition, further thought given to how to engage beneficiaries in other forums besides Council.

14. AvMA Council Meeting proposals:

This item was withdrawn due to lack of time.

15. Date of next meeting:

Tuesday 20th June 2017 at 2pm (preceded by meeting on Strategy and Reserves at 10.30)

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Chair