

MINUTES OF THE EXECUTIVE BOARD (EB) - TUESDAY, 11 DECEMBER 2012

10.00-11.30 Millbank Tower, V/C to the Exchange, Manchester

Members present:

Dame Julie Mellor DBE, the Ombudsman (Chair)

Kathryn Hudson, Deputy Ombudsman

Helen Hughes, Chief Operating Officer

Other attendees and observers:

See Annex A

Apologies:

Claire Forbes, Director of Communications

Carole Auchterlonie, Director of Outcomes and Learning

The Ombudsman thanked Kathryn Hudson, Deputy Ombudsman, for her outstanding contribution to PHSO as an Executive Board member over the last four and a half years.

1. DRAFT MINUTES AND ACTION POINTS OF THE MEETING ON 6 NOVEMBER 2012

- 1.1 EB approved the minutes as an accurate record.
- 1.2 EB noted progress made against the action points and were informed that outstanding actions would be transferred to the Leadership Team.

2. DRAFT MINUTES OF THE MEETING ON 9 OCTOBER FOR PUBLICATION

- 2.1 EB requested that the Director of Communications, who was not present, approve the minutes outside the meeting.

3. ELECTRONIC WORKING IN PHSO CASEWORK

- 3.1 Jack Kellett introduced the paper which proposed increasing the extent of electronic working in casework, particularly moving to the formal adoption of a digital file as the primary casework record. The paper had been considered by the Leadership Team on 27 November 2012 and was recommended to the Executive Board with some minor additions.
- 3.2 EB discussed the proposals noting that a move to electronic records would provide an additional knowledge management tool. EB further noted that the interface between VisualFiles and Meridio would need to be working effectively before the proposals for enhanced searching of casework records could be fully implemented.

- 3.3 EB discussed the impact of the proposals on complainants noting that, with their consent, we should soon be able to correspond increasingly with complainants by email. EB stressed that caseworkers would need to consider those complainants for whom electronic communication would not be appropriate, and were assured that an equality assessment would be carried out for each phase of the planned implementation.
- 3.3 Helen Hughes and Angela Paradise would pick up the proposals and incorporate them into the Strategic Plan roadmap.
- 3.4 EB agreed the proposals in the paper and stressed that the financial implications were agreed *in principle* subject to being considered in the round when other budget demands were known.
- 4. 2012-13 MONTH 8 PERFORMANCE REPORT: NOVEMBER 2012**
- 4.1 Graham Payne introduced the report and informed EB that work across the Corporate Business Plan remained broadly on track.
- Casework*
- 4.2 Casework output was good but the three key messages were:
- that old cases (**over 12 months old**) were increasing month on month, with 35 currently in hand (as of 11 December), which was impacting on our throughput service standard
 - that the number of cases passed for further assessment was now showing a clear year on year increase over the last two months and which may be the start of a new trend which was being investigated
 - that throughput times at further assessment were increasing and had implications for the enquiry service standard.
- 4.3 EB discussed the issues with further assessments and noted that the Leadership Team would consider the matter at its meeting on 19 December 2012. In the meantime further assessments were being managed closely by the Acting Director of CS&A and the Interim Director of Operations (Business Development).
- 4.4 EB questioned the plans for managing old cases and noted that Directors would continue to focus on them.
- 4.5 EB noted that the Health Directorate projected an output of 280 investigations against a published forecast of 320. This was partly due to higher than anticipated staff turnover. The Interim Director of Operations confirmed that

there was no flexibility to transfer health investigations to Parliamentary investigators.

- 4.6 The Deputy Ombudsman highlighted the challenge in recruiting caseworkers and stressed that a new recruitment round would need to get underway in January. The Interim Director of Operations (Business Development) would take the matter forward with the Head of HR Operations.
- 4.7 EB agreed that the casework section of the Quarter 3 Performance Report to be submitted to the Unitary Board meeting on 29 January 2013 should incorporate:
- how we manage old cases
 - trends in further assessments
 - the discrepancy between the published forecast output in Health and the projected output
 - the challenge in recruiting caseworkers.
- 4.8 EB noted that the number of unassigned requests for review (of our decision) had increased but that the Review Team was under complement. Following a discussion at ODM the previous week, a proposal on the future management of the team would be submitted to the Leadership Team.

Finance

- 4.9 Graham Payne tabled the financial management annex and informed EB that performance in all areas was on track to meet targets. EB noted that a spending review would be undertaken in the first half of 2013.
- 4.10 Work would soon begin on reviewing our service standards. The Ombudsman requested that the review should distinguish between case completion and closure, the former being of most importance to complainants.

Workforce

- 4.11 EB noted that the rise in sickness absence, above the target, would be considered to the Leadership Team on 19 December 2012.
- 4.12 EB requested that comparative sickness absence data was included in reports to the Unitary Board.

Freedom of Information/Data Protection

- 4.13 EB was informed that performance was on track.

Governance

- 4.14 EB was informed that performance was on track.

External Affairs

- 4.15 The Ombudsman stressed that she was content with progress on the Ombudsman Reform programme of work and did not think that the 'requires attention' status given in the report was justified. Graham Payne would provide feedback to the External Affairs team.
- 4.16 EB agreed to respond to the Department of Health's consultation on Strengthening the NHS Constitution.

Corporate Business Plan & Resource Change Requests

- 4.17 EB agreed the following three changes to the Corporate Business Plan deliverables:

Ombudsman reform Programme

- 3.3.4 Stakeholder Round Table - deliverable cancelled.
- 3.3.6 Continuing dialogue with stakeholders about Open Public Services - deliverable cancelled. PHSO can no longer reply to the AJTC (Administrative Justice and Tribunals Council) seminar report as the AJTC is due to be dissolved.

Complete Meridio/Visualfiles Integration

- 4.8.1 New delivery date of 31 March 2013 requested (although it was hoped that integration would be delivered much earlier in 2013). User testing in November revealed that some of the underlying connectivity issues for the Visualfiles and Meridio systems remain. This has been logged with the suppliers and arrangements are in place to take this forward with them.
- 4.18 There were no requests for additional funding or changes in complement. EB noted that the 9 month budget review would take place in December and be reported to the Unitary Board on 29 January 2013.
- 4.19 EB agreed the Cascade Briefing messages subject to some additions.

5. COMPLAINTS ABOUT US: RECOMMENDATION TO INTRODUCE A TIME LIMIT FOR ACCEPTING REQUESTS FOR REVIEW

- 5.1 EB reviewed the paper which recommended the introduction of a three month time limit for accepting complaints about our service and requests for a review of our decision.

- 5.2 EB highlighted the risk around the potential for an increase in requests for review and the impact that might have on throughput times and customer satisfaction. The Review Team would be looking at a number of options to mitigate the risk.
- 5.3 EB agreed that the 'complaints about us' leaflet would be revised and refer to the new time limit and also detail the three grounds for review (new evidence that was not available previously, factual inaccuracies or plausible reasons that our decision may be flawed).
- 5.4 EB agreed that it would be sensible to introduce the new three month time limit at the start of the 2013-14 business year, rather than 1 January 2013 as proposed in the report.

6. STAFF RISK ACTION PLAN

- 6.1 Chris McAlpine introduced the paper which sought approval of a staff risk action plan which had been developed after a security incident in 2011. The action plan had been reviewed by the Leadership Team on 27 November 2012.
- 6.2 EB noted that a cross-office group had been working on the action plan and was drafting a short guide for managers on how to handle risks to staff security. EB further noted that PHSO's Security Officer and the Security Committee were looking at the issue of physical staff security at Millbank Tower.
- 6.3 EB approved the action plan, subject to it being amended to apply to all staff not just caseworkers. EB requested that the short guide for managers be included in a Cascade Briefing once finalised.

7. DRAFT FORWARD PROGRAMME FOR LEADERSHIP TEAM AND UNITARY BOARD

- 7.1 EB noted the draft forward programme, which was still being worked up by the Ombudsman and Chief Operating Officer.

8. ANY OTHER BUSINESS

- 8.1 EB noted that proposals on the following matters had been approved in correspondence since the last meeting:
- Restricted minutes of the meeting on 7 August 2012
 - Request for exceptional one-off funding package for project team in CS&A
 - Annual Review of Security Policy
 - Revised Records Management Policy

- Pay Flexibility Policy: Two cases for consideration.

9. PHSO GOVERNANCE ARRANGEMENTS: DISSOLUTION OF THE EXECUTIVE BOARD AND CREATION OF A UNITARY BOARD AND EXECUTIVE LEADERSHIP TEAM

- 9.1 The paper before EB outlined changes to PHSO's governance arrangements following the review of our strategy and development of a new senior management structure.
- 9.2 EB noted that this would be its last meeting before being dissolved at the end of December 2012. A Unitary Board (of executive and non-executive members) and an interim Leadership Team (of executives only) had been established as the organisation's core governance from 1 January 2013. EB endorsed the interim Leadership Team's terms of reference pending approval by the Unitary Board in January 2013. The Unitary Board would agree its own terms of reference in January 2013.
- 9.3 The Strategy Development Programme Board had also been dissolved and the interim Leadership Team would take on oversight of the Programme with immediate effect.
- 9.4 EB noted that Ms Sharmila Nebhrajani would join PHSO as a non-executive Unitary Board member at the start of January 2013. Ms Nebhrajani's appointment brought the number of non-executive members to five.
- 9.5 EB agreed that a piece on governance, including membership of the Unitary Board until the end of 2012-13, would be included in the Cascade Briefing (for staff) on 19 December 2012.

Additional attendees

Suzannah Beazley, Head of Review Team

Steve Brown, Head of Governance

Marie Cheek, Director of Service Delivery

Anne Harding, Legal Advisor

Gwen Harrison, Interim Director of Operations

Joy Higgins, Ombudsman's Executive Assistant (minutes)

Jack Kellett, Director of Health Investigations

Chris McAlpine, Director of Customer Service and Assessment (Manchester)

Gavin McBurnie, Interim Director of Operations (Business Development)

Graham Payne, Director of Finance, Planning and Performance

Angela Paradise, Interim Director of Corporate Resources

Martin Pike, Director of Health Investigations

Jon Ward, Director of People and Organisational Development

David Woodward, Head of Corporate Performance

Observers

None