

## Board meeting held on Wednesday 12<sup>th</sup> July 2023

Present	
Sally Cheshire	Chair
Charlotte Moar	Non-Executive Director
Nigel Trout	Non-Executive Director
Janice Barber	Non-Executive Director
Sam Everington	Non-Executive Director (Associate Board Member)
Mike Durkin	Non-Executive Director (Associate Board Member)
Helen Vernon	Chief Executive
Denise Chaffer	Director of Safety & Learning
Vicky Voller	Director of Advice and Appeals
Joanne Evans	Director of Finance & Corporate Planning
John Mead	Technical Claims Director (Associate Board Member)
In attendance	
Ian Adams	Director of Membership and Stakeholder Engagement
Simon Hammond	Director of Claims Management
Niamh McKenna	Chief Information Officer
Tinku Mitra	Deputy Director of Corporate and Information Governance
Ursula Harrison	Victorian Managed Insurance Authority (VMIA) – Manager Harm Prevention Programme
Julia Wellard	Executive Personal Assistant (Minutes)
Apologies	
Lesley Regan	Non-Executive Director
Cheryl Lynch	DHSC Sponsor Team representative

## Summary

The following is a summary of the Board meeting of 12 July 2023:

The Chief Executive presented a report of a number of key updates which are relevant to NHS Resolution and to inform the context of the organisation's current activities:

- **NHS Resolution Business Plan** The Board noted that the NHS Resolution Business Plan has now been approved by the Department of Health and Social Care (DHSC) and [published](#).
- **Integrated Care Systems (ICS) engagement** - The Board noted that there remains ongoing work to engage with these bodies.
- **Fixed Recoverable Costs** - The Board considered our internal planning following the consultation for [Fixed Recoverable Costs](#) in lower value clinical negligence claims.
- **Office of the Patient Safety Commissioner** – The Board noted that a Statutory Instrument has been laid to provide for the Patient Safety Commissioner becoming eligible to join the [Liabilities to Third Parties Scheme \(LTPS\)](#) with effect from 11 July 2023. The Commissioner is independent of government but accountable to Parliament.
- **Ian Paterson Inquests** - [Inquests](#) are to be held into the deaths of a number of the victims of Ian Paterson, breast surgeon. These will be in accordance with Article 2 of the Human

Rights Act and therefore be wider-ranging than standard inquests. NHS Resolution has been identified as an 'Interested party' which will mean detailed involvement in the proceedings. This is due to our role in managing the indemnity schemes for the NHS in England. Interested parties are required to collate relevant documents and to produce these, with a statement of truth, by 8 September. The inquests will not start until October 2024 and are set to conclude in August 2025.

The Board noted the Chief Executive's report.

**NHS Resolution performance and Key Performance Indicators (KPIs)** – An update was provided on performance including performance against our KPIs. The Board evaluated the assessment of KPI performance and considered this further in line with the NHS Resolution business plan and strategy.

**Complaints Report** – the Board considered the report which details those complaints logged / received in FY 22/23 with a comparator in the previous three years and includes details of numbers of complaints (formal and informal) received during the year, performance in responding to complaints, learning points and areas to be taken forward. The majority of the claims-related complaints are from Litigants in Person (LIP) where claimants are not represented by legal advisors. The Board also discussed what we are doing to support complainants to understand the legal processes for those who do not have representation, and the work we are doing with others such as the Parliamentary and Health Service Ombudsman (PHSO) to support the new complaint standards.

**Safety & Learning / Membership and Stakeholder Engagement (MSE) Report** – an update was provided on activity by the Safety and Learning and MSE teams, in particular:

- The [maternity module](#) launched in June has received 50,000 hits in a month.
- A follow-up event for independent sector members on Safety and Learning and Advice is taking place in September.
- [Being Fair 2](#) is well received and work is progressing on Being Fair 3 on capabilities.
- [MIS Year 5](#) has been launched and the evaluation research fellow and senior programme manager are in post. The project initiation documents for the evaluation have gone through the CMG process and are currently with DHSC.
- A national Emergency Department conference is being planned which is taking place on 9th October with the focus around taking our recommendations forward efficiently and making sure that they are implemented.

**Cases of note** – the Board were provided with an update on [Lewis-Ranwell v. Devon Partnership NHS Trust and Others](#) (Court of Appeal – judgment awaited) as well as a linked matter which has a potential impact on the management of cases.

**Strategic Activity Overview** - A summary was provided on NHS Resolution's strategic activity including relevant policy activity, and the status of projects and programmes which are part of the Change Management Group portfolio and horizon scanning. The Board recognised the extensive work undertaken on the key programmes in relation to the Claims Evolution Programme (CEP) and Core Systems Programme (CSP). The Board considered that it would have been helpful to have some of what was discussed at the Board meeting on CEP and CSP included in the briefing papers and more detail will be included in future. The Board were aware that the work which is progressing is intense and were assured that there were clear skills and leadership in place.

It was agreed that a paper be brought back to September Board with different options for how CSP can be progressed, the impact in terms of staff and resources, financial spend and the key roll-out dates.

**External speaker** The Board received a presentation by Ursula Harrison from the [Victorian Managed Insurance Authority \(VMIA\)](#) – VMIA in Australia was set up to provide risk management and insurance to government departments and authorities, which is equivalent to NHS Resolution's work. It provided an opportunity for Board to consider and discuss common issues arising and to reflect on continued collaboration going forward.

## **People**

At the last People Committee a piece of work was commissioned around people requirements and the impact associated with our transformation programmes i.e. cultural preparation, what people need from a support point of view who are going through transformation, together with the learning from the whole experience and considering what we should be doing differently both from a management perspective and an operational point of view.

Following the Investors in People re-accreditation process which took place in December 2022, NHS Resolution were awarded gold level accreditation which is a fantastic achievement for the organisation.

NHS Resolution has been awarded Disability Confident Level 3 by the Department of Work and Pensions and the award will be presented to the Chief Executive and Chair on 8<sup>th</sup> August together with a presentation on what the standard means and how achieving it has improved support for staff and partners.

The Board were also advised that over £4,000 has been raised for our charity of the year, Dementia UK.

The Board recognised the efforts that have been made to achieve both these awards and the staff activity to support our charity.

## **Matters related to internal policies and governance.**

**Policy for the Management of Fire and Emergency Safety** – The Board approved the policy following a review, agreeing to streamline it to separate policy and procedures, re-align our fire evacuation procedures with the London Office's new TAG-Evac System (due for London staff roll-out), and reform the policy for better inclusion of both London and Leeds offices.

**Register of Interests** - The Conflicts of Interest Policy helps protect NHS Resolution and its staff by ensuring that conflicts of interest, including those created through acceptance of gifts and/or hospitality, do not affect, or appear to affect, the integrity of the exercise of NHSRs functions. It helps ensure that NHSR, as a public body, acts, and can be seen to act, fairly, reasonably and rationally in accordance with the Seven Principles of Public Life (also known as the Nolan principles). The Conflicts of Interest policy was updated in 2022 to combine with the hospitality and gifts policy which was approved by Board on 24th May 2022. The Register of Interests and the Gifts and Hospitality Register, when combined, set out all declarations made. The Board noted the register of interests and gifts and hospitality register and confirmed their declarations remain current.

**Board Committee Reports and Minutes** – The Board received summaries and minutes of meetings of the Reserving and Pricing Committee, People Committee and Audit and Risk Committee. The Terms of References (ToRs) of these Committees can be located [here](#).

**Board Effectiveness Review** - The Board considered the recent Board effectiveness review recommendations, together with suggested next steps and timescales. The effectiveness review concluded that the organisation is well run. There is recognition of the transition from being the NHS Litigation Authority to NHS Resolution and, in terms of the changing landscape in which NHS Resolution operates, the review made a series of recommendations for consideration to inform the organisation's continuous development. As one of the recommendations from the Board effectiveness review, it was suggested undertaking a weekly or fortnightly roundup for NEDs to avoid email overload. It is suggested that NEDs provide feedback on this approach which can be refined over time. The Board considered that all the recommendations were positive and sensible, and that they support NHSR to move in the right direction. Board agreed a number of appropriate steps to be taken forward and that progress would be regularly reported back to Board meetings