

Board meeting held on Thursday 14th September 2023

Present	
Sally Cheshire	Chair
Charlotte Moar	Non-Executive Director
Nigel Trout	Non-Executive Director
Lesley Regan	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
Elizabeth Pell	EN Family Liaison and Mediation Lead (Observer)
Julia Wellard	Executive Personal Assistant (Minutes)
Apologies	
Cheryl Lynch	DHSC Sponsor Team representative

Summary

The Board considered a number of key updates which are relevant to NHS Resolution and to inform the context of the organisation's current activities:

NHS Resolution (NHSR) performance and Key Performance Indicators (KPIs)

An update was provided on performance including performance against our KPIs. The Board considered this further in line with the NHSR business plan and strategy. An update was also provided on recent communication and strategic stakeholder engagement activity co-ordinated by Membership and Stakeholder Engagement and Safety and Learning in the current reporting period, including the Chief Executive and Chair's meetings with key stakeholders. The Board discussed how these aspects informed the business planning process which is at an early stage, and the context of the external environment. The Board recognised the demands that are currently being felt by the organisation and that the organisation is undergoing a prioritisation exercise to ensure focus and sufficient capacity and resources for priority areas.

Maternity Strategic Priority

The Board considered an informative presentation which reflected on the internationally groundbreaking work NHS Resolution has done in the maternity arena regarding the [Early Notification Scheme..](#)

The Board recognised that as we enter year 7 of the scheme, we want to consider how the Scheme has played its role in influencing early resolution. There was support for the system integrator approach NHSR carries out.

Indemnity Schemes Collect

The funding requirements for 2024/25 that have been agreed by NHSR's Reserving and Pricing Committee through the process to review and update cashflow forecasts for all of NHSR's indemnity schemes was set out. As a result, DHSC will be advised of our updated financial forecasts including initiating a process to confirm funding for our indemnity schemes for 2024/25. The Board agreed we should continue to pay close attention to our pricing methodology for CNST to ensure that relative experience is reflected in the contributions members are charged.

Clinical Negligence Scheme for Trusts (CNST) incentives

An update was provided on work to consider how incentives to improve the safety of patients could be enhanced through CNST and tariff (a NHS funding mechanism) reform. In summary, the funding arrangements for NHS bodies have changed somewhat, meaning that the financial incentives built into the CNST pricing methodology may not be effective on their own. This is necessitating a change in approach on our part, but the proposed approach is aligned with what NHS England are doing in relation to driving efficiency and productivity.

NHSR's key projects – An update was provided on NHSR's key major programmes:

- **Claims Evolution Programme (CEP)** - An update was provided on the work underway to deliver the programme, including a high-level summary of the work undertaken in phase one and the work currently underway in phase two, which demonstrates the delivery of the programme.
- **Core Systems Programme (CSP)** - A summary was provided of the proposed way forward for Core Systems Rollout, including the technology release roadmap.

The Board noted the progress of these key projects.

Surveillance Report

The Board were supportive of the approach which NHSR continues to take as one of the mechanisms by which we address evidence of dishonesty or potential fraud to ensure that public funds are safeguarded. To this end, the Board considered an overview of surveillance activity conducted since 1 April 2023 was presented.

Cases of note

An update was provided on cases on which there are pending judgements in the Supreme Court which have relevance and potential impact on the work of NHS Resolution.

In terms of pending judgments, the ruling of the Supreme Court in the secondary victim cases where arguments were heard in May, and additionally that of the Court of Appeal in

[Lewis-Ranwell v. Devon Partnership NHS Trust and Others](#) where the matter at issue is whether an individual who was found not guilty by reason of insanity can recover damages for his own losses, are still awaited.

The judgments will return to the November Board agenda for further update on progress.

The Board noted this update.

Practitioner Performance Advice service Lived Experience Research

The Board was presented with the findings of qualitative research commissioned by NHR's Practitioner Performance Advice team on the lived experience of practitioners from ethnic minority groups and/or those who qualified overseas was presented together with next steps on the findings

People

Dealing with challenging interactions

The Board were keen to understand the impact on staff where for different reasons they were encountering challenging interactions with service users. There may be a number of different reasons for this, and NHS Resolution is committed to providing a working environment where all employees are treated with fairness, respect and dignity. The Board sought and were provided with assurance around the steps which are being taken to mitigate and manage those situations, as well as what we can also do to support service users.

Matters related to internal policies and governance

Mandatory training for officers - The current arrangements for Mandatory and Statutory training (MAST) training for staff and office holders was presented. A review was undertaken in relation to the training modules that non-executive directors should complete, and the Board agreed that non-executive directors should complete the two MAST modules: Data Awareness and Equality and Diversity and Human Rights (EDHR). It was considered that an exception for completing the training would be where office holders with another NHS role provide evidence of completion from other NHS organisations where similar training is undertaken.

Policy extensions – A number of policy review dates were approved in order to support the review and approval process for policies currently due by December 2023.

Responsible Officer's Report - The board noted the annual report of NHR's [Responsible Officer](#). This report which sets out the work of the Responsible Officer during the year, the report for which is to support the Board to discharge its oversight function and to meet the expectations of regulators

Board Committee reports – Minutes and summaries of the People Committee and Resourcing and Pricing Committee were presented and were noted by the Board. The Terms of References (ToRs) of these Committees can be located [here](#)