

Board meeting held on Wednesday 24th January 2024

Present	
Sally Cheshire	Chair
Charlotte Moar	Non-Executive Director
Nigel Trout	Non-Executive Director
Janice Barber	Non-Executive Director
Lesley Regan	Non-Executive Director
Mike Durkin	Non-Executive Director (Associate Board Member)
Helen Vernon	Chief Executive
Vicky Voller	Director of Advice & Appeals
Megan Bidder	Director of Safety & Learning
John Mead	Technical Claims Director (Associate Board Member)
In attendance	
Ian Adams	Director of Policy Strategy & Communications
Simon Hammond	Director of Claims Management
Niamh McKenna	Chief Information Officer
Tinku Mitra	Deputy Director of Corporate & Information Governance
Disa Young	Deputy Director of Director of Policy Strategy & Communications
Sara Pollock	Deputy Director of Finance
Erum Khan	Obstetric Clinical Fellow (Observing)
Mark Thornton	DHSC Sponsor Team representative
Alice Akca	DHSC Sponsor Team representative
Julia Wellard	Executive Personal Assistant (Minutes)
Apologies	
Sam Everington	Non-Executive Director (Associate Board Member)
Joanne Evans	Director of Finance & Corporate Planning

Summary

Chief Executive's report

The Chief Executive presented a report updating on key areas to consider in relation to NHS Resolution's work and operating environment.

The senior team had undertaken a further review to prioritise activity with particular attention to the need to drive forward digital transformation within tight delivery timescales.

The board recognised the ongoing pressures on staff and risks in relation to wellbeing, in particular for those engaged in delivering change across several initiatives (primarily subject matter experts). This is being considered at People Committee. The Board remains keen to

support the Executive and staff in a period of transformation and growth of the organisation and recognised the ongoing commitment of all staff to deliver priorities.

The Board noted the upcoming Staff Appreciation Day and it was agreed this should be supported by the Board and all staff should be encouraged to join the event.

External environment There are a number of consultations underway of relevance to NHS Resolution e.g. [Duty of Candour](#) and the [Personal Injury Discount Rate](#) [PIDR] review. We continue to strike a balance between providing feedback through direct engagement with those leading the consultations and a more formal and published response. Recent developments on the [Infected blood inquiry](#) were also noted including the recommendation for an independent body to be set up to administer a compensation scheme.

Inquiries – an update was provided on various national inquiries which are ongoing. The Board remain committed to supporting Inquiries in a timely way where NHSR holds information of relevance recognising that for patients and staff affected that this remains an difficult period.

External engagement

The Board received an update on Chief Executive and Chair's external engagement programme

The Chief Executive met with counterparts at the NHS Confederation and the Health Services Safety Investigations Body (HSSIB) and with the Patient Safety Commissioner to discuss areas of common interest The Chief Executive and Chair met with their counterparts at the General Medical Council, the Royal College of General Practitioners, the Government Actuary Department and NHS Providers. Both have also attended respective CEO and Chair meetings.

It was noted that the [Patient Safety Commissioner](#) –had been asked by Minister Caulfield to report on Redress options for those who have experienced harm through sodium valproate and vaginal mesh. In addition, on 3rd November, the Patient Safety Commissioner published her recommendations relating to the implementation of [Martha's Rule](#).

The Board were provided with an update on [Supreme Court Ruling](#) in relation to secondary victims arising from instances of alleged clinical negligence.

The Board discussed the following areas in relation to NHS Resolution's ongoing activities:

Performance and activity

- **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.
- **Safety and Learning** The Board continued its discussions on maternity safety and governance and progress on the [Maternity Incentive Scheme](#) (MIS). An update was provided on the evaluations of the Maternity Incentive Scheme (MIS) and the Early Notification Scheme (ENS),
- The Board was briefed on a session which was held with families on the [Early Notification Scheme](#) which talked through issues including feedback on communications, how we are sharing messages with families and how the process is becoming more transparent.
- The Safety and Learning team outlined their contribution to highlighting issues around inequalities – including via MIS reporting regional activity and materials that are being developed which will help to raise awareness. The Board discussed challenges around collection of ethnicity data. Reference was made to previous board papers and discussion

which set out the plan for NHSR to collect the NHS number and to consider options to use that for specific research alongside the wider dataset held by NHSE.

- The Board were updated with details of the [Emergency Medicine event](#) which took place on 9.10.24 which included the launch of the 'Recommendations to Implementation' (R2I) work. There are eight trusts where we are about to pilot the R2I tool.
- The Board also considered the work of [Practitioner Performance Advice](#) and noted that there is an increase in demand across the Advice service with an increase in the complexity of cases.
- In relation to [Primary Care Appeals](#) the Board were supportive of the work being undertaken with Independent Care Boards on training events.
- The Board discussed a report about **formal complaints** received from 1 April to 30 September 2023. The key points discussed by the Board were that whilst the numbers of complaints have not varied it was notable that there was a theme of challenging interactions between some complainants and NHSR staff i.e. multiple emails being received, multiple calls to staff as well as Subject Access Requests as a route to pursue a complaint. The Board also noted that we have been working with the Cross Government's Complaint Forum and the Parliamentary and Health Service Ombudsman (PHSO) in aligning our policy to the new standards and in sharing experiences.

Draft Business Plan FY 24/24 – The Board noted ongoing work to finalise the business plan. Key performance indicators (KPIs) have been reviewed and a slightly narrower strategic set of KPIs proposed. There is further work required to refine the KPIs and to ensure that we can measure and report against them.

External speaker

The Board heard directly from the outgoing Ombudsman Rob Behrens and Rebecca Hilsenrath (CEO) of PHSO who joined the meeting to talk about the work of the PHSO and joint working with NHS Resolution. The Board considered further opportunities to work together to ensure that citizens are being heard. The discussion considered other mechanisms such as mediation to settle disputes and how we can continue to strengthen our collaboration.

Transformation

- **NHS Resolution Transformation programmes**– An update on the transformation portfolio status showing the key programme and portfolio risks/issues and the mitigating actions was presented.

Governance and policies

- **Approval of policies:** The Business Continuity Management Policy (CG08) was approved. A number of other policies would be circulated offline which included Raising Concerns (Freedom to Speak Up) (CG17) Policy, Anti-Fraud Bribery and Corruption Policy and Procedure (CG09) and the Data Protection Policy (CG08) for ratification at the next Board meeting.

Committees

- [Reserving and Pricing Committee](#) (RCP) – The Board received the minutes for the meetings held in August 2023 and October 2023, along with a summary of the key discussions and decisions made by the committee.