

Minutes of the meeting of Action against Medical Accidents

Held on 7th December 2021

Present: Moi Ali (Moi) Chair, Caroline Browne (CB) Vice-Chair, Jocelyn Cornwell (JC), Janine Collier (JCol), Bill Kilvington (BK), Amrat Khorana (AK), Jonathan Hazan (JH)

In attendance: Peter Walsh (PW)

Attended via Teams: Mike Andersson (MA), Nigel Holland (NH) & Mary Smith (MS)

Apologies received: Maggie Davies (MD)

1. Declaration of Interests

Trustees were asked to declare any new potential conflicts of interest arising since their declaration at the last meeting. BK advised that he was joining an HSIB working party in the New Year.

2. Minutes of Council meeting held 6th October 2021

The following additional actions were identified to be added:

Item 5 (CO17): consider how to maintain creativity and information sharing across teams and taking on new staff whilst working remotely.

Item 6 (CO18): obtain legal advice if available at reasonable cost

All actions on the schedule were complete and could be removed apart from C0001, CO17 and CO18.

JCol commented that the discussion at the end of agenda item 5 (staff working at home) about staff having been unsettled by the possibility of their permanent home working agreements being reversed should be recorded in the minutes. MA agreed. It was agreed that Janine and MA suggest a short form of words to be added to the minutes.

With this change, the minutes were agreed as an accurate record.

3. Chair and CEO reports

The Chair's report was noted. Moi remarked that she had found the role of Chair to have been more onerous and time-consuming than expected. She urged the new Chair to be brave.

The CEO's report was noted. PW drew attention to NHSE & I's view that they were sufficiently independent to employ the Independent Senior Advocates recommended by the Ockenden Inquiry. Trustees agreed that this was not credible and AvMA should join forces with others in seeking to dissuade them of this view.

PW was asked to explain more about 'commercial legal aid'. It was explained that PW, MS and JCol together with Lisa O'Dwyer had had a meeting with a company seeking to launch this funding scheme for clinical negligence cases. Whilst it was felt there may be benefits for some of AvMA's beneficiaries from this, and there may be some income opportunities for AvMA, there were many questions to be answered. PW, MS and JCol remained sceptical about the proposals as they understood them, and there were reputational risks for AvMA that would need careful exploration.

4. Governance Review

It was agreed to set up a Governance Review Working Group comprising of JC, MA and AK. Other trustees would be invited to participate as the Group progressed its work.

5. Mergers Working Group

The terms of reference were agreed subject to clarifying that the MWG was not a formal sub-committee of the Council, but a temporary 'task and finish' group. It was confirmed that BK would chair the group.

6. Income Generation Working Group

It was AGREED that MS would chair the IGWG. It would agree terms of reference at its next meeting.

Trustees were welcome to nominate themselves for either working group.

7. IT & Digital Steering Group

It was agreed that MA would chair this group as JH was leaving.

8. CEO Recruitment

The report was noted. It was felt that the timescale may be optimistic and that up to 6 months' notice period for a new recruit may be needed.

Moi felt that it may be difficult to recruit a new CEO whilst there was so much uncertainty and financial challenges. PW explained that he had joined AVMA when it was in a much more uncertain and precarious position. He felt that AvMA would be an exciting proposition for someone who was passionate about AvMA's aims and who understood the nature of the voluntary sector.

9. Risk Management

MA and PW presented their suggested new format for the risk register. Trustees liked the format, and it was AGREED this would be adopted for future reports.

Action: CO19/PW to use new format Risk Register for future reports

The current risk register was considered. It was AGREED to add an additional IT risk, "Failure of CRM Project".

Action: CO20/PW

AK queried whether EDI should feature on the Risk Register (i.e. risk that AvMA isn't performing satisfactorily on EDI). It was agreed that PW and AK discuss this with the EDI consultant being commissioned.

Action: CO21/PW/AK discuss with consultant whether EDI should be seen as a risk

The draft Risk Policy was considered and agreed. It was suggested that trustees consider risk appetite/tolerance going forward.

11. Operational Plan

The draft Operation Plan was discussed. A couple of pieces of work were identified for inclusion in the plan:

- The Certificates of Competence for junior solicitors
- The counselling training in collaboration with Linda Kenward

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The desirability of having more metrics, targets and outcomes in the plan, and less narrative was discussed. It was suggested this could include how the work would be done, milestones and dates. It was also suggested that the Operational Plan should say more about approaches to human resources.

It was AGREED that PW consider how best to include metrics in consultation with sub committees and produce an updated Operational Plan in advance of the March 2022 meeting.

Action: CO22/PW

12. Finance

The Finance Manager's report and management accounts were noted.

13. People Report

The report including the results of the staff survey were noted and discussed. Moi expressed surprise about what she saw as a disconnect between the concerns that staff expressed and the board's decisions. She was disappointed that her suggestion of staff organising something for the December meeting to facilitate communications between staff and trustees had not been taken up.

Several trustees expressed concern about the feedback from staff which largely centred on the way that the working at home issue had been dealt with by the board. It was felt that this was regrettable and avoidable. In particular, the decision at the July Council meeting to keep open the possibility of reversing the permanent home working agreements arrived at with management had caused worry and damaged confidence. [Moi had to leave the meeting early to catch a flight. CB chaired the meeting from this point].

There was discussion as to how to rebuild confidence and good relations between the staff and the board. It was AGREED that JC write to staff to apologise for the way this issue had been handled by the board and emphasise the board's commitment to rebuild confidence and relations.

Action: CO23/JC

Other suggestions included having more staff attend Council meetings and the 'get to know you' meetings which had already been discussed at the EC.

14. Minutes of Sub-Committee meetings

The minutes were noted.

15. 2022 Meeting Dates

- 3rd March 2022
- 28th June 2022
- 27th September 2022
- 13th December 2022 (includes AGM)

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Council Meeting Actions Schedule

	Date Agreed	Agenda Item #	Issue	Description	Person responsible	Date for completion	Progress/Completed
C001	29.9.20	10	AvMA Website	Proceed with procurement work and develop a financial business case to Council for approval before entering into website development contract.	JS/NB	Spring 2022	Delayed until CRM project advanced
C017	6.10.21	5	Home Working	Consider risks of lone working in the office	PW/NB	January 2022	Complete
C018	6.10.21	6	Office Space	Research costs of managed office space	PW/NB	January 2022	Complete
C019	7.12.21	9	Risk Management	Use new format Risk Register for future reports	PW	March 2022	Complete
C020	7.12.21	9	Risk Management	Add IT risk "Failure of CRM Project" to risk register	PW	January 2022	Completed
C021	7.12.21	9	Risk Management	Discuss with consultant whether EDI should be seen as a risk	PW/AK	March 2022	
C022	7.12.21	10	Operational Plan	Produce updated version of OP for circulation in advance of March Council	PW	28.2.22	Complete
C023	7.12.21	13	People Report	Write introductory letter and apology re board's handling of home working to staff	JC	23.12.21	Completed
C024							
C025							
C026							
C027							
C028							
C029							