

Action against Medical Accidents

Minutes of the Board meeting

held on **Tuesday 25 June 2024** at 13:00
at Gatehouse Chambers, 1 Lady Hale Gate, Gray's Inn, London WC1X 8BS

Present	Mike Andersson (MA), Caroline Browne (CB) (Chair), Janine Collier (JCo), Carol Jones (CJ), Amrat Khorana (AK), Bill Kilvington (BK), Farrah Pradhan (FP) (associate trustee), Michele Salter (MS) (Treasurer)
In attendance	Nathan Bacon (NB) (Operations Director), Lisa O'Dwyer (LOD) (Director Medico-legal Services), Nicky Rushden (NR) (Finance Manager), Paul Whiteing (PWh) (CEO), Rachel Wright (minutes)
Apologies	Jocelyn Cornwell (JC), Ed Maycock (Head of Events)

1. Apologies of absence

Apologies for absence were received and accepted from Jocelyn Cornwell and Ed Maycock.

2. Declarations of interest

There were no declarations of interest.

3. Minutes of board meetings on 19th March, 15th May and 12th June

The chair presented the minutes of a board meeting on 19th March 2024 for approval whereupon they were unanimously approved as a true and accurate record of the meeting subject to the CEO clarifying that the phrase "this work" (page 2, paragraph 1) referred to "complaints". ("Regarding PHSO, he thought AvMA should put some money behind this work.")

Matters arising: The CEO explained that he had incorporated the manifesto of what AvMA would want from the next Government into a blog he had written.

A trustee flagged that a full list of projects was still not being kept alongside the risk register as had been agreed at the March board meeting. This would become a formal action.

All the actions on the schedule of board meeting actions had been closed or updated.

In response to a trustee question about developing finance procedures (action C0143), the CEO reported that a draft had been considered at the most recent finance and investment committee meeting and good progress was being made with finalising the procedures.

In response to a trustee question about increasing conference profits (action C0149), the CEO explained that AvMA would not change the budget but would seek to optimise the charges and exceed the budget wherever possible.

The chair asked the CEO to pass on thanks to Gill for organising the online safeguarding course for trustees, and monitoring participation. CJ had yet to undertake the course.

In response to a trustee question about the costs of bringing in a project-management trainer/training staff (action 148), NB explained the tiered approach under consideration, i.e., upskilling 5-6 staff at a cost of £800 per person and then employing a trainer to deliver project

management basics to the rest of the staff – an all-in cost of approximately £10,000 or less. PWh would explore the possibility of a grant. Trustees were content with this approach.

At the chair's request, the CEO would no longer include the schedule of closed meeting actions in board meeting papers.

The chair presented the minutes of an extraordinary board meeting on 15th May 2024 to consider the disposal of Freedman House for approval whereupon they were unanimously approved as a true and accurate record of the meeting. The actions from this meeting had been superseded by the agreed sale of Freedman House.

The chair presented the minutes of a further extraordinary board meeting on 12th June 2024 to further consider the disposal of Freedman House for approval whereupon they were unanimously approved as a true and accurate record of the meeting.

C0156: PWh to clarify that the phrase "this work" (19th March board minutes, page 2, paragraph 1) refers to "complaints".

C0157: CJ to undertake safeguarding course for trustees.

C0158: PWh to thank Gill on trustees' behalf for organising access to the online safeguarding course.

C0159: PWh to research getting a grant to fund project-management training for staff.

C0160: PWh to no longer include the schedule of closed meeting actions with board papers.

C0161: PWh to keep a full list of projects alongside the risk register.

4. CEO report

The CEO's report to trustees had been circulated with the meeting's papers.

In the autumn, trustees would be offered online Patient Safety Incident Response Framework (PSIRF) training; they would also be asked to undertake a skills audit to help inform thinking about skills gaps on the board/trustee recruitment.

It was noted that neither of the newly recruited staff members lived anywhere near London; had the talent pool been restricted to just the Croydon area, AvMA would not have attracted these high calibre candidates. The CEO confirmed the advertisement for the director of fundraising, marketing and communications job had gone live.

The CEO would continue looking into the possibility of AvMA partnering with a law firm in offering a free will writing service. In response to questions about this from JCo, he agreed to look for services which would be free to AvMA as well.

In response to a request from AK about trustee training on AI, it was agreed that the recent AvMA webinar on AI would be circulated to trustees.

The chair thanked the CEO for instigating and attending so many constructive external meetings.

C0162: PWh to continue to investigate AvMA offering a free will writing service in conjunction with a law firm on the best available terms.

C0163: PWh to send trustees the link to the AI training webinar.

5. Freedman House sale update

There were no updates since the extraordinary board meeting of 12th June 2024. The sale was estimated to take six weeks. According to a staff survey, 90% of staff were happy with home working and the selling of Freedman House. The CEO and JC would bring to the board a full range of options of how to use the sale proceeds. Trustees thanked the CEO and NB for their work regarding the sale, and they, in turn, thanked trustees for attending two extraordinary board meetings to discuss the sale.

6. Strategy 2019/24: assessment and lessons learned

A paper reflecting on the eight lessons learned from a review of the outcomes of the 2019-24 strategy had been circulated with the meeting's papers. Trustees welcomed this level of analysis and the recommendations.

Trustees felt the eight recommendations should inform implementation of the year-one priorities of the 2024/29 strategy. They were pleased work had started on the financial five-year plan, particularly as it would be in place when the new director of fundraising and marketing takes up post. They asked to be sent the behaviour statement shared with staff as it was incumbent on them too to embody AvMA's values and behaviours.

The similarities between the current and previous five-year strategies were noted. In response to a trustee question about how to manage the lessons learned, the CEO emphasised the importance of changing from a small-charity mindset to a large-charity mindset and bringing in expertise to propel this change.

Responding to a trustee's suggestion, the CEO would think about how to create a visual strategic dashboard to assist the Board. Again, at a trustee's suggestion, he would look to embedding conversations about values, culture and behaviours into the staff appraisal process.

A trustee flagged the importance of keeping a list of all the recommendations from all reports and tracking them. The CEO would consider how to track these.

There was a discussion about the difficulty of ownership of the strategy by staff and how to dispel the segregation between a staff member's 'day job' and implementation of the strategy. The CEO said a key element was to keep talking with staff about the strategy, connecting it back to their 'day job'. One trustee recommended reframing the strategy as investment work, i.e., investing in the future of beneficiaries, investing in the future of the charity; without the latter, AvMA would not exist to do the former. Another trustee suggested building self-reflection into the appraisal process, giving staff the chance to reflect on how much their work implements the strategy. Alongside this, it was agreed that the executive team needed to be realistic/strategic about capacity when asking staff to undertake investment work.

The operational plan for 2023/24 had been circulated with the meeting's papers. Trustees asked for a check-off list showing which of the actions marked as 'on track' had been completed and which needed to be carried forward (assuming there was capacity to carry them forward). They also said AvMA needed to be realistic about the achievability of the goals it sets.

C0164: PWh to share the behaviour statement with trustees.

C0165: PWh to look into creating a strategic (highly visual) dashboard.

C0166: PWh to consider: i) embedding conversations about values, culture and behaviours into the staff appraisal process; and ii) giving staff a chance to reflect on how much their work met the strategy.

C0167: PWh to consider how the recommendations from all reports could be tracked.

C0168: PWh to compile a check-off list showing which actions marked 'on track' on the operational plan 23/24 had been completed and which needed to be carried forward.

7. Strategy 2024-29: year one priorities

A paper setting out the milestones and measures for the first year of the 2024/29 strategy had been circulated with the meeting's papers. The board's feedback was as follows:

- **For cross-referencing purposes, the objectives/milestones needed to be named or numbered.**
 - i) **Further thought needed to be given to how each milestone overlapped, linked or needed to be separated out, e.g., milestone one of objective one would benefit from being broken down into its separate parts; and milestones five and six of objective one (engaging with advice bodies and**

- outreach communities) needed to be part of the research phase (milestone one).
- ii) Objective one, milestone one: end of August 2024 was an unrealistic date by which to agree costs for the two outreach workers as work on the research data had not yet been completed. Also needed was a background document setting out what key pieces of data AvMA would be looking to capture to manage this objective.
 - iii) Objective one, milestone two: the timescale was unrealistic as this milestone was linked to the service review.
 - iv) Objective one, milestones three and four: the digital communications strategy plan, of which the website (due March 2025) was a part, should not hold up the communications work that needed to be done under strategic objective one, milestone one.
 - v) Objective one, milestone four: a better success measure would be the completion of the process, e.g., AvMA had a contract in place to have the website overhauled.
 - vi) Objective two: the word 'empowering' possibly needed re-thinking, suggested one trustee, as it was not clear how some of the operational work would link directly to empowering people to do things for themselves. Another trustee advised that this guidance had come out of the service review.
 - vii) Objective two, milestone two: the timescales need to be linked to priority one.
 - viii) Objective four, milestone one: it would be useful to target a board meeting so that AvMA had something to work towards/some vision in terms of what progress would be.
 - ix) Beneficiaries needed to be mentioned as contributors to meeting objectives.

A trustee felt that, going forward, detailed oversight of the strategy should rest with a trustee committee, such as the strategy working group, not the board. The CEO would continue his discussion with JC about restructuring the trustee committees to better align them with the strategy: a committee restructure would allow the strategy to be looked at by various committees and individual trustees.

C0169: PWh to review the year-one priorities paper in line with trustee feedback, i.e.:

- x) break down milestone one/objective one into its separate parts, and include milestones five and six as part of the research phase;
- xi) number or name objectives/milestones for cross-referencing purposes;
- xii) re-think the timescale for agreeing costs for the outreach workers (objective one/milestone one);
- xiii) compile a background document setting out the key pieces of data AvMA would want to capture to manage objective one;
- xiv) reconsider the timescales for objective one/milestone two;
- xv) ensure the website project plan (due March 2025) did not hold up the communications work under objective one/milestone one;
- xvi) change the success measure for objective one/milestone four to AvMA having a contract in place with whoever had been selected to overhaul the website;
- xvii) link the timescales of objective two/milestone two to priority one;
- xviii) target a board meeting re objective four/milestone one to give the board some vision in terms of what progress would be; and
- xix) Include beneficiaries as contributors.

C0170: PWh and JC to continue discussion on re-thinking committee governance structures to better align them with the strategy.

8. Reserves strategy

A draft reserves strategy had been circulated with the meeting's papers.

After a lengthy discussion about the strategy and whether to approve it ahead of the sale of Freedman House, the reserves strategy was approved by the board on the basis it would be reviewed again in three months.

C0171: PWh to add review of the reserves strategy to September board meeting's agenda.

9. Harmed patient pathway

A set of commitments, forming the harmed patient pathway (HPP), had been circulated with the meeting's papers. Trustees were asked to note that this had been drawn up with other stakeholders and was not owned outright by AvMA. CB was thanked for her contribution to the HPP work.

In response to a trustee question about how/at which the point the pathway would be evaluated, the CEO said he would add this to the agenda of the group's next meeting. In response to a trustee's observation that the success of the HPP depended, in part, on how well staff were supported in the process, he agreed to take this up with the group. One trustee queried whether the group would want to commit to the following sentence: "Our approach is informed by official guidance" (Commitment Three).

In response to a trustee request, the CEO explained how far the thinking had got in terms of the other documents that would be published with this one.

A trustee suggested targeting front-facing services, such as PALS and bereavement counsellors, so they could champion the HPP with whoever else needed to approve it. In response to another suggestion about getting CQC and other regulatory bodies to show they were following best-practice guidance by adopted the HPP, the CEO explained that discussions were already taking place.

Regarding the project's key staging posts, trustees felt the timescales were ambitious. Suggestions included: i) identifying what implementation training documents for staff already existed and putting a link to those in the pack; ii) seeking feedback from those who have suffered compounded harm, asking whether the HPP would have helped them; iii) widening the scope of organisations to whom the HPP is promulgated, including independent sector organisations, NHS-commissioned services, NHS Scotland and medical staff unions, such as Patients Association and the BMA, and not just NHS acute services.

C0172: PWh to share trustees' feedback on the HPP document at the HPP group's meeting on 26 June 2024.

10. Fraud risk

A draft paper on fraud risk had been circulated with the meeting's papers. Trustees found the paper helpful, adding it now needed to go on the risk register and be tracked through that.

In response to a trustee question, the CEO confirmed the charity had cyber insurance in place.

Risks relating to fraud missing from the register, trustees noted, were the theft of staff data; volunteers and/or trustees using AvMA to defraud others; IT suppliers using data inappropriately/fraudulently, ditto office cleaners. Trustees recommended: i) broadening the

scope of the analysis from just theft to crime and malfeasance; ii) including the possible impact of AvMA's asset managers being coerced into, say, stealing the charity's assets; iii) building in safeguards around staff not being paid on time because those who authorised payments were unavailable; iv) keeping cyber security under review; and v) changing the phrase "rack up debts" to "accrue debts" (p76). MA would discuss broadening the scope of the register with PWh and NB later.

Having a small, trusted workforce of people well known to each other was no mitigation against deception/fraud/theft, trustees warned, and should be removed as a mitigation. There was a discussion about whether to introduce DBS checks for staff; the final decision would rest with the executive team. It was noted that the annual audit was a mitigating factor in terms of material anomalies. The CEO would check what the insurance policy required of AvMA, and he would amend the risk register in line with trustee recommendations.

C0173: MA to discuss broadening the scope of the analysis with PWh and NB.

C0174: PWh to check what the insurance policy required of AvMA, to amend the risk analysis in line with trustees' recommendations and add it to the risk register, and to consider with the executive team whether to introduce DBS checks for staff.

11. Risk register review

A slightly re-structured version of the risk register had been circulated with the meeting's papers. There had been no substantive changes since the board meeting in March.

At the board's request, the CEO would:

- **review the impacts of the mitigations for R023 and R022, giving thought to other ways in which AvMA might be able to support the beneficiaries impacted by these risks;**
- **include the risk of not being able to maintain the organisation's culture because of homeworking/new staff joining/long-standing staff leaving/a new strategy. Mitigations would include intentional mutual support across teams;**
- xx) **double check all risks, and impacts again as some, such as R018, were not right.**

QOC would review the quality-category risks at its next meeting, but it was suggested by a trustee that an exercise was undertaken to review the impacts and mitigations of all risks to ensure they are as effective as possible in reducing risk

The CEO was praised for doing a great job in embedding the culture of the organisation, bringing everyone along with him as a group.

C0175: PWh to review the impacts of the mitigations for R023 and R022; to include the risk of not being able to maintain the organisation's culture because of homeworking, new staff joining, long-standing staff leaving and a new strategy; to double check all risks and impacts again including R018.

C0176: PWh to include on the next QOC agenda a review of the quality-category risks.

12. Finance and investment committee report

Draft minutes of the meeting on 4th June 2024, the Management Accounts report and the latest management accounts had been circulated prior to the meeting for information.

The treasurer highlighted that, to year end March 24, there had been a controlled deficit budget of £354,000, and income versus expenditure had a surplus income of £77,000 – a better-than-budget performance.

It was observed that a significant risk for potential income variance would be removed with the sale of Freedman House.

The draft annual accounts and report would be presented at the September board meeting for review/discussion and formally signed off at December's AGM.

There were no questions.

C0177: PWh to add a review of the draft annual accounts and report to September's board agenda; VN to send out the accounts & report.

13. Quality and outcome committee report

Draft minutes of the meeting on 21st May 2024 had been circulated with the meeting's papers for information. There were no questions.

14. IT and digital steering group report

Draft notes of the meeting on 7th May 2024 had been circulated with the meeting's papers for information.

In response to a trustee querying why Productle would be asked to requote their proposal when the new director of communications was not yet in post, MA and NB explained that the steering group had not reached a collective decision on what it meant by a digital strategy; however, while the website's content and how people access it, etc would come under the new director's remit, the exact dividing line between the technological and non-technological sides of the website project had yet to be decided.

In response to a trustee question about whether it was right to ask only Productle for a quote, MA and NB explained that the pros and cons of working with an organisation that AvMA knew well and with whom it had worked closely had been weighed against going out to tender and spending a great deal of time briefing a new company. Furthermore, there would be crossover with the CRM and Productle had done a lot of the discovery element on that.

There was a lengthy discussion about whether major change requests for the CRM (considered likely) should be budgeted for on a best-estimate basis or brought to the board as a separate business case. A provision for major CRM change requests had been built into the 2024/25 budget; however, this budgetary decision, made by the finance and investment committee, had not been referred to the IT&D steering group, highlighting the need for a link between the two groups, agreed the CEO.

C0178: PWh to consider linkage between FIC and IT&DWG to ensure IT budgeting decisions are referred to IT&DWG

15. Strategy working group report

Notes of the meetings on 8th April 2024 and 1st May 2024 had been circulated with the meeting's papers for information.

Trustees were told that the governance of the website design project was pending until the new director of fundraising, marketing and communications was in post.

16. Income generation working group report

Notes of the meeting on 17th April 2024 had been circulated with the meeting's papers for information. There were no questions. The new director of communications should be in place by the September board meeting, the CEO said.

17. Managers' departmental reports

The managers' reports had been circulated with the meeting's papers.

The annual conference had been a great success, trustees agreed, adding that they were also pleased to see social media content celebrating AvMA's achievements. They asked for their thanks to be passed on to Ed Maycock and the staff.

The EDI considerations in LOD's report were particularly appreciated. On trustees' recommendation, LOD would consider having callers to the helpline sent a text after their call asking for their EDI information.

On the board's recommendation, the CEO would draw up an organisational chart showing all the different trustee groups and committees.

C0179: PWh to thank Ed Maycock and the staff on the board's behalf for a great annual conference and lots of positive social media engagement.

C0180: PWh to draw up an organisational chart showing all trustee groups/committees.

C0181: LOD to consider sending helpline callers a text after their call asking them for EDI information.

18. Letter from Sir Robert Neil on the Coroners' Service

There were no questions about the contents of the letter, which had been included in the meeting's papers for information only.

19. AOB

The board thanked Liz Thomas for her 35 years of tremendous support and service to AvMA. A Panel meeting which would be combined with an opportunity to say farewell to Liz would be held on 1st August and Vicki Noyce would send invitations to board members.

The chair thanked Gatehouse Chambers for its generous hospitality and Ed Maycock for organising this.

C0182: VN to send trustees invitations to Liz Thomas's leaving party, and PWh to thank Liz for her service on behalf of the board.

There being no other business to discuss, the meeting ended at 16:20.

Dates of next board meetings

26th September, 12th December (includes AGM)