

Minutes of the meeting of Action against Medical Accidents

Held on 23rd March 2021 by Microsoft Teams

Present (Part 1): Moi Ali (Moi) Chair, Caroline Browne (CB) Vice-Chair, Angela Brown (AB) Treasurer, Nigel Holland (NH), Mike Andersson (MA), Jonathan Hazan (JH), Linda Kenward (LK)

In attendance: Peter Walsh (PW), Nicky Rushden (NR)

Present (Part 2): Moi Ali (Moi) Chair, Caroline Browne (CB) Vice-Chair, Angela Brown (AB) Treasurer, Nigel Holland (NH), Mike Andersson (MA), Jonathan Hazan (JH), Linda Kenward (LK), Amrat Khorana (AK), Janine Collier (JCol), Maggie Davies (MD), Bill Kilvington (BK), Mary Smith (MS)

In attendance: Peter Walsh (PW), Nicky Rushden (NR)

Apologies: Jocelyn Cornwell (JC)

Part 1

1. Appointment of Trustees and Trainee Trustees

It was AGREED to appoint the following as Trustees: Janine Collier, Jocelyn Cornwell, Bill Kilvington, Maggie Davies.

It was AGREED to appoint the following as Trainee Trustees: Amrat Khorana, Mary Smith.

It was agreed that careful attention would be given to the management of potential conflicts of interest, that the issue of conflicts had been considered in the selection process and PW had circulated notes on how conflicts would be managed.

It was noted that trainee trustees did not have the legal status of a trustee and would not have a vote, but in every other respect would be involved in the same way as a trustee.

Part 2

2. Welcome and Introductions

Each of the newly appointed trustees and trainees were welcomed and introduced themselves, as did the other trustees.

3. Trustee and Staff observations

Moi suggested that this would not be done at this meeting as a lot of time had been spent on introductions. She invited comments on whether this should remain a standing item at Council meetings. It was AGREED that this would be replaced with an 'Information Share' item where trustees would be invited to update each other on recent developments in patient safety and justice.

Action: PW to remove standing item from future agendas and replace with new item

4. Minutes of the Council Meeting held 8th December 2020

The minutes were AGREED as an accurate record. It was AGREED to produce a list of commonly used acronyms for the new trustees.

Action: VN to produce acronym list and circulate to the new trustees

It was AGREED that action 1 and action 2 (income generation session) be updated with the intention to deal with this partly at the review day in July, and soon after by a separate facilitated session.

Action: PW to update action schedule

It was AGREED to update the completion date for action 6 (website) to August/September 2021.

Action: PW to update action schedule

It was AGREED that whilst action 9 (counselling) had been completed, further work on this was required and should be put on the agenda for the next QOC meeting.

Action: PW to update action schedule

Action: CB to add counselling item to QOC agenda

5. Minutes of the Executive Committee held 12th January 2021

The minutes were noted. Moi summarised key points as being plans to sequence committee meetings so that other sub-committees meet before Executive Committee and then Council; the 'exit' interviews with ex-trustees RV and SS had been held and a summary of points from the meeting with RV would be circulated (CB agreed to write up her note and AB agreed to add to it); AvMA's approach to risk to be reviewed by Executive Committee and at Strategic Review in July; minutes of Council meetings to continue to be published (redacted if necessary).

Action: CB/AB to circulate summary of trustee exit interviews

6. Minutes of the Quality & Outcomes Committee held 2nd March 2021

The minutes of the last meeting were noted. CB was particularly pleased that Fiona Gray had started as Beneficiary Engagement Facilitator and contributed to the meeting. Good work had been done around mental health cases and the client feedback system (although more work was needed to improve response rates). The user-friendliness of advice letters to clients was also something the committee was keen to look at.

7. Declaration of Interests

- Moi apologised for not asking for declarations of interests earlier and asked trustees to do so now. Moi is a Board Member of the Professional Standards Authority for Health and Care
- JCol is a practising clinical negligence solicitor on the AvMA Panel and her firm Tees is a member of AvMA's Lawyers' Service and provides legal advice to AvMA
- JH is trustee and Chair of Patient Safety Learning charity and a council member of the patient safety section of the Royal Society of Medicine
- MD is Chief Nurse of Western Sussex NHS Foundation Trust
- AK is employed by Great Ormond Street Hospital
- MS is a practicing clinical negligence lawyer and her firm Novum Law is a member of AvMA's Lawyers' Service and she is a member of the Harmed Patient Alliance advisory group
- BK is a council member at the College of Operating Department Practitioners and works on NHSE's surgical 'never events' group

- LK is on the advisory group for Harmed Patient Alliance and is a counsellor specialising in medical harm
- CB does some freelance work for Patient Safety Learning and is on the secretariat for the review of East Kent Maternity Services
- AB sits on various regulatory panels including the Health and Care Professions Council
- MA has some contracts with NHS bodies/DHSC

Moi explained that as these are standing interests, they would not have to be repeated at each meeting but trustees would be asked to declare any new interests or interests relating to the agenda items at future meetings, at the beginning of the meeting.

Action: PW to add declaration of interests to the start of future Council and committee agendas

8. IT & Digital Steering Group

The minutes of the last IT & Digital Steering Group were noted. JH reported that good progress was being made with the commissioning of the new CRM. PW explained that some non-essential items had been removed from scope to reduce costs. The costing of the first specification had been considerably over budget but the estimated implementation cost had now been reduced to [REDACTED] (10% over the budget agreed in principle of [REDACTED]). JH reported that the IT&DSG considered that this was not a bad variance for a project of this nature. They felt that it was important not to compromise too much on functionality at this stage as it might cost more in the long run.

AB reported that the Finance Committee had also felt that 10% over the original budget was not unreasonable but asked that the business case also set out other related costs such as the consultancy for this project. It was noted that there had already been investment in new finance software following a separate approval business case and there were also plans for a new website.

It was confirmed that the IT&DSG regularly considered cyber security and did not have strong concerns about AvMA's vulnerability generally or as part of the CRM project.

It was AGREED that a special meeting of Council be arranged to consider the full business case for the CRM, and that the covering paper setting out the case would be in plain English.

Action: PW to arrange meeting to consider CRM business case

9. Finance

The minutes of the last Finance Committee meeting were noted. AB reported that trustees had been consulted via email on the recommended change from advisory to discretionary investment management, and this could now go ahead. The committee also supported the proposed 0.6% salary increase and the draft budget for 2021-22.

NR presented her report on the management accounts, the recommended staff salary increase and the draft budget for 2021-22. It was noted that although the operational deficit for 2020-21 was £273,607 due to the effects of Covid-19, this was over £100,000 better than the post-Covid budget. The budget for 2021-22 did not take account of an anticipated receipt of over £450,000 from a legacy.

AB reported that the committee had acknowledged and appreciated the extreme pressure that NR had been under due to implementation of new finance software on top of the usual end-of-year pressures. They were conscious NR and PW were discussing how she could be supported.

It was AGREED to award a staff salary increase with effect from 1st April 2021 of 0.6%.

The draft budget for 2021-22 was AGREED.

JCol pointed out that some law firms would struggle as a result of Covid-19 as well as the anticipated legal reforms, so AvMA was right to be concerned about future income.

MS suggested that as well as being realistic about the risks, AvMA should focus and attempt to exploit any opportunities that may arise.

10. Strategic Review

The provisional arrangements for the event on 6th-7th July were noted. It was noted that meeting face-to-face depended on government guidance at the time and that some people may not feel comfortable to travel even if allowed. A hybrid face-to-face/virtual may be required if feasible.

It was agreed that there were benefits in an external facilitator, especially using the one who did the last away day. To make the best use of time, Moi suggested the event should be preceded by briefing papers on key issues, to allow more time for focussed discussion. The event would attempt to strike a balance between realism/practical decisions which had to be made (for example, about finance) and creativity/horizon scanning. It should focus on opportunities as well as risks. It was felt that managers should be present but further thought needed to be given as to who attended. It was AGREED that the following papers would be among those prepared for the event: an options appraisal regarding the future of Freedman House (keeping versus selling); and remote working and its implications. It was AGREED that the Executive Committee devise a programme. It was agreed that the Exec Committee discuss facilitation at the event.

Action: Moi/Exec to devise programme for review day

JCol suggested that AvMA seek to diversify its income streams so as not to be so reliant on lawyers, and consider increasing fees charged. Also to look at the way we work with experts and consider work with the private healthcare sector such as accreditation.

MS thought there may be opportunities for funding advocacy services.

11. Operational Plan & Departmental Objectives 2021-22

The Operational Plan 2021-22 was AGREED. It was noted that a typo needed to be corrected.

It was AGREED to present the draft operational Plan to Council at the December meeting preceding the following financial year in future, to allow time for amendments should it not be approved by Trustees.

Action: PW to present following financial years' Operational Plan to December Council rather than March

It was AGREED that both the Operational Plan and Risk Register should deal with risks to AvMA itself as well as broader patient safety and access to justice issues. The Operational Plan would include actions to mitigate both kinds of risk.

The Departmental Reports were noted. It was noted in the Communications report that we had a volunteer helping with self-help guides who may be able to help in other ways. In Policy & Campaigns, CB asked about how the Harmed Patient Pathway campaign was going to work. PW explained that another planning meeting was taking place soon, where a more detailed plan would be discussed. There had been a very positive start to the campaign. The plan included working with

NHS bodies to define what a pathway could look like. Any trustee interested in getting involved in this work was welcome to do so.

12. Risk Register

It was agreed to defer discussion of the Risk Register as the Exec Committee had a number of ideas about how AvMA's presentation of risk in the register could be improved. Moi wanted a fuller discussion with trustees about AvMA's appetite and approach to risk.

It was AGREED that the next Executive Committee meeting consider this, and that any other trustee was welcome to take part in that meeting. Trustees were asked to let PW know if they'd like to attend.

Action: Moi to add risk item to EC agenda

Action: ALL to let PW know if wanting to attend EC discussion on risk

Following the discussion at EC, a paper would be presented to trustees at the July Council meeting.

13. Chief Executive's Report

The report was noted. It was explained that the work with Healthcare Conferences UK (HCUK) was currently a series of successful training days on Duty of Candour. It was hoped to expand the co-operation with HCUK, who had a very good database and awareness amongst health professionals/the NHS, as a way of AvMA reaching this market. Traditionally, AvMA had found it hard to do this on its own.

14. Any other business

BK expressed an interest in more information on the Harmed Patient Pathway and thought the trust he was involved in might be interested in piloting it.

BK raised the issue of the maternity incentive scheme and trusts claiming they had complied with the standards when they hadn't. MD pointed out that some had been penalised for this.

PW invited any trustees to get involved with the Harmed Patient Pathway campaign. The plan was to develop information about it for trusts who may be interested in piloting it.

PW reminded new trustees/trainees of the three sub-committees, the Chairs of which would welcome new members.

Council Meeting Actions Schedule

	Date Agreed	Agenda Item #	Issue	Description	Person responsible	Date for completion	Progress/Completed
1	26.9.19	7	Idea generation session	Make arrangements for idea generation session re income generation	PW	Initial discussion review day July 7 th 2021. Facilitated session to follow asap after that	
2	26.9.19	7	Idea generation session	Revisit notes of 2018 planning days and feed into income generation session	PW	As above	
3	12.12.19	5	IT	Present business case for CRM project to Council including options where possible; contingency for increased costs; the costs of data migration and double running with Seneca, and an analysis of risks	PW/NB	Jan 2021 – now April 8th 2021	Complete
4	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	August/September 2021	Delayed until CRM project advanced
5	23.3.21	3	Agenda items	Remove 'observations' item from future agendas and replace with 'Information Share' item	PW	July 2021	Complete
6	23.3.21	4	Acronyms	Produce a list of commonly used acronyms and circulate to new trustees	VN	July 2021	
7	23.3.21	4	Action schedule	Update items 1, 2 & 6 (now item 4) as discussed	PW	ASAP	Complete
8	23.3.21	4	Action schedule	Counselling item to be added to next QOC agenda	CB	May 2021	Complete
9	23.3.21	5	Exit interviews	Circulate summary of SS & RV exit interviews to all	CB & AB	tba	
10	23.3.21	7	Declaration of Interests	Add declaration of interests to the start of future Council and committee agendas	PW	April 2021	
11	23.3.21	8	CRM	Arrange meeting to consider CRM business case	PW	26.03.21	Complete
12	23.3.21	10	Review Day	Moi/Exec to devise programme for review day	Moi/EC	04.05.21-Aug' '21	
13	23.3.21	11	Operational Plan	Present following financial year's Operational Plan to each December Council	PW	Dec 2021	
14	23.3.21	12	Risk Register	Moi to add risk item to EC agenda	Moi	30.04.21	Complete
15	23.3.21	12	Risk Register	Advise PW if wishing to attend next EC discussion re risk	ALL	30.0421	Complete