

Minutes of the meeting of Action against Medical Accidents

Held on 26th September 2019 at Freedman House

Present: Suzanne Shale (SS) Chair, Treasurer, Caroline Browne (CB) Vice-Chair, Nigel Holland (NH), Moi Ali (MAli), Mike Andersson (MA), Jane Reid (JR), Jonathan Hazan (JH)

Apologies: Rachael Vasmer (RV), Linda Kenward (LK), Angela Brown (AB)

In attendance: Peter Walsh (PW) Chief Executive & Company Secretary
Hugh Williams (HW) Deputy Chief Executive
Nicky Rushden (NR) Finance Manager (Finance item only)
Ed Maycock (EM) and Paula Santos (PS) (item 3 only)

1. Chair's introduction and trustee/staff observations

JR was welcomed to her first Council meeting since being appointed. The following AvMA activity was noted as things which trustees/staff had been pleased with: the trustee appraisal process; the development session held prior to this meeting; the appointment of Matt Lowry as Information & Support Officer; the tender documents for IT consultancy; the 'harmed patient flowchart'; the AvMA WPSD event; the welcoming and supportive reception experienced by new Trustee JR.

2. Minutes of the Council Meeting held 3rd July 2019

The minutes were AGREED as an accurate record.

Matters arising:

- SS had attended the seminar on Risk Management and was due to discuss with PW and Executive Committee
- PW's appraisal had been completed and objectives set for the rest of 2019-20. Timing of the CEO's appraisal would then be in March in line with annual planning cycle

The action list was reviewed. It was noted that the following actions were now complete: Item 2, Update Operational Plan; 5, possible helpline risk; 5, reliance on key staff/succession planning; 9, policy updates; 9, standard policy format. Item 6, Capital expenditure was due to be completed at the 21/11/19 Finance Committee. Item 4, IT consultant appointment was slightly behind schedule and would be completed shortly.

3. Minutes of the Executive Committee held 30th July 2019

The minutes were noted.

Given that it had been noted that the World Patient Safety Day event had been successful, it was queried why the Executive Committee had not been supportive when consulted about whether to hold such an event. It was explained that trustee members were concerned about the pressure on time and use of resources and were unclear what the benefits to the organisation would be. However, following further consultation as noted in the Executive Committee minutes PW exercised

his discretion whether to proceed and on balance concluded that the event could be organised in partnership with Kingsley Napley with limited input from AvMA.

It was queried what the aim and scope of the review of the 10-year plan was to be, given that it was approved annually by the Finance Committee and endorsed at Council as part of the budget setting process. It was explained that the intention was to carry out a high level progress review that looked at the underlying position at three years, given that performance may have been better or worse than expected. The aim was to ensure that Trustees were fulfilling the duty to ensure that the charity remained sustainable and balance this with the duty to use our charitable resources.

Disappointment and frustration were expressed about the City Bridge Trust having not awarded a grant for the platform lift. However, trustees were pleased that this could now be progressed.

4. Conferences & Events

EM and PS gave an overview of the Conference & Events team work, how things were going and future prospects. The annual clinical negligence conference had been particularly successful this year. This and the success of a new annual event on Court of Protection meant that Conferences & Events would be significantly above budget for 2019-20. It seemed that the ongoing need for training meant that this area of income was better protected from the adverse legal climate. The learning outcomes from events was also noted, with 100% of feedback received from delegates confirming practical lessons had been learnt and would be put into practice.

Ed, Paula and Karen were thanked for their excellent work.

5. CEO & Deputy CEO Report

The report was noted. PW drew trustees' attention to two other areas of work not covered in the report: the NHS Resolution report published this week on the Early Notification Scheme; and the plan to publish a list/profiles of patient/family speakers/trainers/consultants on AvMA's website and promote this as a resource for healthcare providers, so as to encourage building in the patient/family perspective.

It was noted that the NHS Resolution report identified shockingly low rates of compliance with the duty of candour and involving patients in investigations.

The patient/family speaker section of the website prompted discussion, with concerns raised about managing the risks associated with the scheme. These included ensuring diversity, reputational risks if it was believed that AvMA was endorsing the quality of speakers or that they were speaking on behalf of AvMA, and transparency regarding the selection criteria for listing and for exclusion. In response PW explained that there was enthusiasm and support for the idea from both the patient/family members he had spoken to and NHS stakeholders. The idea was linked to AvMA's Beneficiary Engagement work, with some beneficiaries seeing part of AvMA's role as being to champion the notion of patient/family involvement in training staff, speaking at conferences and helping with work on patient safety. The initiative could help build AvMA's reputation as the champion of patient voice in patient safety, help encourage more use of patient/family representatives, and help beneficiaries identify with and feel supported by AvMA.

It was AGREED that the scheme had benefits but that approaches be developed to mitigate the risks that Trustees had raised.

Action: PW to consider the risks associated with having a patient 'speaker' section on the website, against the opportunities it would provide, and actions that might be taken to mitigate identified risks; PW then to distribute a note to the Executive Committee for consideration asap rather than waiting to the next meeting.

The "training consortium" idea that was referred to in the report was discussed. PW explained that discussions were at an early stage but there was enthusiasm amongst members of the group, whose identities needed to remain confidential for now. He explained they were all highly regarded people and brought an impressive range of knowledge, experience and skills. Each member of the consortium would be free to carry on their own training and/or consultancy work independently, whilst the new body would come together to promote itself as the "go-to place" for high quality patient safety related training and consultancy, and come together to run joint events such as regional patient safety conferences. The legal status of the organisation would most likely be a 'joint venture' but this was still in discussion. PW saw the potential advantages of the idea for AvMA as:

- It would help AvMA achieve strategic objective 4.1.3 by enabling AvMA to reach NHS organisations' staff in a way we have struggled to do.
- It would help generate more income for AvMA if it took off. This was work AvMA was already committed to doing. He would determine how much would be undertaken but in the event that this outstretched capacity, this would be a 'nice problem to have' and we could consider creating extra capacity.

In discussion Trustees raised some concerns relating to governance of the joint venture and potential conflicts of interest. There was also concern over the CEO's capacity to take on work and the need to recover enough money to more than cover the cost of his time. It was acknowledged that PW was seeking to identify new sources of revenue and that this could potentially provide one.

It was AGREED that the issue would be discussed in more detail with the Executive Committee. As there are governance implications, any final decision on taking this initiative forward would be made by the Council of Trustees. Depending on progress, this would likely be at the December meeting.

Action: PW to provide Executive Committee with more details of the proposal for discussion at its next meeting prior to further consideration by trustees at the December Council meeting if it is proposed to take this forward.

The report on progress with IT was noted. The need to be able to gather and analyse quality and impact data was emphasised.

Action: HW to ensure the need to be able to gather and analyse quality and impact data is clear in the brief for the IT consultant.

It was noted that the timetable for appointing the consultant, receiving their report, deciding on the preferred option and presenting a business case to the December Council meeting was very tight. It was AGREED that in the event a business case wasn't ready for December Council meeting, at the very least the direction of travel should be clear [REDACTED]

Action: HW/IT Taskforce to ensure direction of travel for IT is clear by December Council and, if possible present a business case for consideration.

6. Just Culture Charter

The paper, draft charter and appendices were noted. PW outlined what he thought were some of the key potential arguments for developing the idea:

- That it would be a tangible way of taking ahead our strategic objective 4.3.2.
- It would provide clarity on what our own position is on just culture.
- It would provide a catalyst for discussion with other stakeholders about what just culture should look like and in particular, how it would address the needs of harmed patients and families.
- It could help influence how other bodies such as NHS Resolution, individual trusts, NHS Improvement and DHSC develop their thinking on just culture.
- It would enhance AvMA's reputation and relationships with other stakeholders including health professionals, NHS bodies, patients' groups and our beneficiaries for whom just culture and how it is framed is a priority.

PW explained that whilst he hoped this work could influence the agenda, he did not envisage the charter itself being adopted wholesale. Experience of developing and promoting AvMA's 'Charter of Understanding' had been positive. He did not see the work as being very labour intensive, however it was up to AvMA how much time and resource it wanted to put into this. Based on experience of the original charter, even a modest amount of work on this would bring benefits to AvMA and reflect the commitment in our strategic objective. A key difference between this and NHS Resolution's charter was that this had a strong focus on patients as well as staff, it aspired to influence national policy and not just local providers, and the aim was to develop it in partnership with all key stakeholders including patients' groups and our beneficiaries.

On the whole trustees were supportive of the idea. There was consensus that it should not function as a competitor to the NHS Resolution charter but as a prompt to organisations to incorporate greater attentiveness to supporting patients when developing their own local charter based on the 'template' proposed by NHS Resolution, as well as influence national stakeholders.

- It was agreed that amendments to the draft would be needed.
- Work was needed to clarify how the AvMA document was intended to be used and its overall objectives
- The target stakeholders needed to be clarified.
- an alternative name other than a 'charter' was required.
- who could take forward the work within AvMA and capacity to undertake it.

PW invited trustees to volunteer to advise him on developing this initiative.

It was AGREED that SS, CB and JR advise PW over this, and all trustees to send their thoughts on desired changes to the draft itself or other suggestions to PW.

Action: ALL to send in suggested changes to the draft 'charter' and any other suggestions to PW.

Action: PW to convene a meeting with SS, CB and JR when trustees' comments have been received to plan next steps re the 'charter'

7. Finance

In AB's absence NH spoke to the minutes of the Finance & Investment Committee. He drew trustees' attention to the revised approach to investments following advice from our new IFA which were designed to lower risk due to volatility and anticipated future volatility in the markets. Trustees confirmed they thought this approach was sensible.

It was clarified that whilst the minutes did not note the specific discussion of the CEO's proposed source of savings/income for 2020-21 to meet the requirements of the 10-year financial plan, the Finance Committee had taken account of these and did not have any concerns. This preliminary review of the approach to setting the budget is part of our financial planning cycle, and is followed by firm plans brought to the next FIC as part of the budget setting process.

The revised Investment Policy was AGREED. However, the Finance Committee was asked to review section 4.1 of the policy (90% of long-term reserves realisable within three months)

Action: AB: Finance Committee to review this point in the policy at its next meeting

The 10-year financial plan had been updated with up to date figures as per June 2019. NH had reviewed the plan with NR for any errors/omissions and was happy with it. The updated 10-year financial plan was AGREED. It was noted that (see section 3 above) the review of the 10-year plan in March 2020 was to be a high-level progress review rather than dealing with technical detail.

It was noted that the Finance Committee's high-level review of financial procedures last year, aimed at identifying/mitigating the risk of fraud, had not identified any issues of concern. The process would be carried out again later this year.

There were technical issues with using PayPal due to the amount of information required by PayPal, which had yet to be resolved.

It was noted that we are taking further advice from the auditors about the requirement to pay for formal valuations of Freedman House.

The management accounts were noted. Trustees expressed their gratitude to everyone who had contributed to such a positive financial performance, particularly the Conference & Events, Medico-Legal Department, and Fundraising.

8. Operational Plan & Departmental Objectives

The traffic light system to flag progress with strategic objectives was welcomed by trustees. It was suggested that PW had been a little too cautious with the banding of some of the objectives where it was reasonable to be more confident and apply a green banding.

With respect to objective 4.1.18, PW was very keen for trustees and staff to focus on innovative ideas for generating income, possibly drawing on the projected 'excess' reserves at year 10 of the financial plan where appropriate, on a "speculate to accumulate" basis. It had been agreed as one of PW's objectives for 2019/2020 to arrange a facilitated session with some trustees and staff to generate ideas, and to review some of the ideas generated at the strategic planning day last year. It was noted that income generating activities did not need to be directly linked to our charitable aims and could be carried out under the auspices of our trading company if necessary.

Action: PW & SS to make arrangements for a facilitated session to generate ideas about potential income generating activities.

Action: PW to revisit notes/flip charts of the 2018 strategic planning days and feed into the session being planned on potential income generation

The Departmental Reports were noted.

9. Quality & Outcomes Committee

CB reported that she had presented a draft Risk Control Schedule to the committee which had been welcomed. It was a tool to keep potential quality risks under review. PW/LOD and committee members had been invited to feedback comments. When the document is updated it would be circulated to Council members.

Action: CB to circulate updated Risk Control Schedule to Council when it is ready.

At it's last meeting, the Quality Committee had agreed to give greater priority to rolling out of the Junior Solicitor Certification Scheme and applying for accreditation for AvMA's services. These were seen as strategically important for ongoing and new income generation. They would also be labour intensive for LOD in particular. Consequently, it was agreed to put back the review of Lawyers Services until 2020.

Action: PW to update Operational Plan with review of Lawyers Service being put back until 2020.

11. Date of next meeting

The date of the next meeting is 12th December (preceded by the AGM).

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Chair

DRAFT

Council Meeting Actions Schedule



Date Agreed	Agenda Item #	Issue	Description	Person responsible	Date for completion	Date completed
3.7.19	2	Update Operational Plan	Update for September meeting	PW	26.9.19	Sep 19
3.7.19	3	Risk Register	Circulate FIC risk schedule to Executive Committee	PW	26.9.19	July 19
3.7.19	3	Risk Register	Discuss risk management with PW and Exec following training	SS	12.12.19	
3.7.19	4	IT	Appointment of IT consultant	PW/NB/ITT	26.9.19	
3.7.19	4	IT	IT strategy & business case for CRM	PW/NB/ITT	12.12.19	
3.7.19	5	Helpline risk register item	Discuss if volunteer shortage be added to register & Report to QOC	HW/LOD	26.9.19	24.9.19
3.7.19	5	Reliance on key staff/succession planning	Should this be added to risk register? Discuss at next Exec Cttee	SS/Exec	26.9.19	
3.7.19	6	Capital expenditure & financial plan	Review & ensure foreseeable IT & building costs included & report to FIC	NR/PW/HW	26.9.19	3.9.19
3.7.19	8	Freedman House valuation	Chase up valuations of Freedman House for annual accounts	PW	26.9.19	July 19
3.7.19	9	Policy updates	More time to be allowed for circulation to trustees	PW	Ongoing	
3.7.19	9	Standard policy format	All policies to state clearly who policy applies to	PW	Ongoing	
3.7.19	9	Anti-Fraud policy to be reviewed	Check policy is consistent with Charity Commission guidance	NR	26.9.19	July 19
3.7.19	10	Chief Executive appraisal	Chair to email trustees to gather information for CEO appraisal	SS	26.9.19	July 19
26.9.19	6	Patient/Family member website	Discuss the idea with Exec Committee	PW	25.10.19	
26.9.19	6	Training Consortium proposal	Provide EC with details of consortium proposal and discuss at Council if taking forward	PW	25.10.19 & 12.12.19	
26.9.19	6	Quality & Impact data	Advise IT consultant of the need to gather data to analyse	HW	12.12.19	
26.9.19	6	IT	Ensure travel direction for IT is clear & present business case to Council	HW/ITT	12.12.19	
26.9.19	7	Idea generation session	Make arrangements for idea generation session re income generation	PW/SS	12.12.19	
26.9.19	7	Idea generation session	Revisit notes of 2018 planning days and feed into income generation session	PW	12.12.19	
26.9.19	7	Investment Policy	FIC to review point 4.1 of policy	AB/FIC	21.11.19	
26.9.19	8	Draft 'charter'	Send in suggested changes to draft 'charter' and suggestions to PW	ALL	21.10.19	
26.9.19	8	Draft 'charter'	Convene meeting with SS, JR & CB post-comments to plan next steps	PW	12.12.19	
26.9.19	10	Rick Control Schedule	Circulate updated Risk Control Schedule to Council	CB	12.12.19	
26.9.19	10	Operational Plan	Update Operational Plan with review of LS being put back until 2020	PW	12.12.19	