

## Minutes of the Board Meeting

Location: President's Room, The King's Fund, 11-13 Cavendish Square, London W1G 0AN

Chair: [Jayne Scott](#)

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### PHIN PB2227 Board Meeting held on 19 May 2022

#### Board Directors\*

Jayne Scott (Chair) [JS]  
Don Grocott (Deputy Chair) [DG]  
Professor Sir Cyril Chantler [CC]  
David Hare [DH]  
Michael Hutchings [MH]  
Nigel Mercer [NM]  
Hugh Savill [HS]  
Professor Sir Norman Williams [NW]

#### Other Attendees

Jonathan Finney, Member Services Director [JF]  
Jon Fistein, Chief Medical Officer [JLF] *JLF attended virtually for part 5a and 6 of the agenda only*  
Jack Griffin (Acting Chief Executive) [JG]  
Jessica Harcourt, Virtual Assistant (Minutes) [JH]  
David Minton, Chief Technology Officer [DM]  
Mona Shah, Director of People & Process (Company Secretary) [MS]

*\*Note, for the purpose of these minutes, Board members will be referred to as Directors.*

#### Welcome and introductions (Chair)

The Chair welcomed all attendees to the meeting.

#### 1. Review & Consideration of the Directors' Register of Interests

There were no new declarations of interest and the Directors noted that all declarations of interest as recorded to date in the register still applied.

#### 2. Governance

##### a. New Non-Executive Director Appointment - CMA

Interviews with the 2 candidates for the CMA nominated Non-Executive Director role were scheduled to take place on 28 June. The Chair was pleased to note that both had strong consumer backgrounds. The expectation was that the new NED would be in role for the July 2022 Board Meeting.

**b. Chief Executive Recruitment**

MH updated the attendees that interviews with 5 candidates had been scheduled for 31 May 2022 and 1 June 2022. If appointable candidates were identified, it was anticipated that the recommendations of the interview panel for the first and second choice candidates would be shared with the Board early in week commencing 6 June.

MH concluded that, as the current recruitment market was a difficult one, there was a risk that the interviews might not result in a hire, despite the best efforts of all involved.

The Chair thanked the Remuneration Committee as well as JG and MS for the significant amount of work that had been undertaken and the efficient process that had resulted from this.

**3. Approval of Minutes and Actions**

**a. Board meeting held on 23 March 2022**

The minutes of the Board meeting held on 23 March 2022 were approved as presented.

It was noted that the start time of the ARC Meeting on 21 June 2022 would be 2pm.

The action log was reviewed and updated and shown at the end of the minutes.

The attendees discussed “ACTION230322.4 Adding to agenda for May Board Meeting a discussion on PHIN’s policy positions regarding Health and Care Bill, ADAPt, Paterson and consultant appraisals”. It was noted that the Paterson Inquiry Recommendations were on the agenda and that a separate workshop session should be scheduled for the Board to consider policy positions for all the listed areas and the implications for PHIN.

**ACTION 190522.1 MS to identify dates for a Board workshop to discuss PHIN’s policy positions**

**4. Reports of sub-committee**

**a. Draft Minutes of the Audit & Risk Committee Meeting (ARC) – 6 April 2022**

HS advised that ARC had reviewed the DPO centre audit report which had been very positive and had also reviewed the draft 2022-23 budget proposal.

In addition, recruitment and retention had been discussed following the concern expressed at the March 2022 Board meeting. ARC had been pleased to see the progress that been made on recruiting to vacancies and to hear the good news that a previous employee had chosen to return to PHIN in a more senior role.

**b. Remuneration Committee Meeting (RemCom) – 19 May 2022**

MH updated the Directors on the RemCom meeting that had taken place that morning providing an update for staff recruitment, remuneration and benefits, hybrid working arrangements and people strategy.

Significant progress had been made on recruitment and PHIN’s focus was on building resilience into the organisation where possible.



## 5. Matters Arising

### a. Paterson and consultant publications

JG introduced the topic by commenting that PHIN had engaged with the Paterson Inquiry team and the Department of Health and Social Care implementation team over several months to support the development and delivery of responses to the Paterson Report. The implementation of Recommendations 1 and 3 would require a collective effort across the sector and it needed to be considered what PHIN's role should be in supporting the implementation. JG asked for questions and comments.

The Directors discussed the numerous interdependencies that would impact on the timelines for implementation of the recommendations including the current lack of consistency in procedure coding between the NHS and private sector.

Regarding publication of whole practice data, consideration needed to be given to who would publish data for consultants who only practiced in the NHS and where it would be hosted. JG clarified that the paper assumed PHIN would be publishing private practice and related whole practice data only. The question of where pure NHS consultant activity was published remained open and was for other stakeholders to resolve. The Directors asked that this be made more explicit in the paper.

The Directors discussed the importance of a stakeholder engagement strategy to keep abreast of developments that could impact PHIN in relation to the Health and Care Act, Paterson Inquiry and ADAPt and JG requested introductions that could help facilitate this. The Directors **agreed** that this was an area to be kept under review.

The Chair summarised that the Directors supported the recommendations in the paper and asked for some clarifications around the approach to publishing whole practice information.

**ACTION 190522.2 JG and JLF to update the paper "Paterson recommendations one and three – PHIN policy position (PB 2221)" based on feedback from the Board**

### b. PHIN 10th Anniversary celebration update

JG updated the Directors that The King's Fund had been secured as the venue for PHIN's 10<sup>th</sup> Anniversary event on the evening of 21 September 2022. An invitation list had been drafted by the PHIN Executive team and would now be shared with the Board for input. Consideration was being paid to minimising the costs and maximising the return on investment from the event.

**ACTION 190522.3 JG to share the PHIN 10<sup>th</sup> Anniversary event invite list with Board**

## 6. PHIN Strategy and Preparation of CMA Plan

The Chair extended thanks to the Executive team and in particular JG, JLF and JF for the large amount of work they had undertaken and for the wider PHIN team whose workload had also been impacted as a result.

### a. Partnership Forum Meetings Update & Feedback

PHIN and the Partnership Forum were working in partnership and the dialogue was constructive. The CMA were being kept apprised of progress by the team. To maintain progress on the draft CMA Plan, a one-hour weekly meeting had been scheduled with the Partnership Forum until the Members Meeting in July 2022, when Members would vote on support for the Plan.



## **b. Draft CMA Plan**

The Chair asked for comments on the paper which contained the draft of the CMA Order Roadmap and Delivery Strategy 2022-2026 and a summary of the progress made to date.

It was noted that feedback from the CMA had been received which was constructive and broadly supportive.

The draft plan reflected the conversations that had been had with the Partnership Forum over the last few months as well as the various Task and Finish groups.

Engagement with wider stakeholders would be scheduled, including sharing a draft of the plan with all voting members, to ensure all perspectives were considered.

The Directors noted that PHIN had co-produced the plan with the Partnership Forum which represented significant progress and was in line with the CMA's expectation that PHIN and its Members would jointly deliver a plan to the CMA.

The Directors considered if the presentation of fee information, as required under the Order, was in fact meaningful to patients as consultant fees were only one aspect of the total costs of treatment. It was agreed that a future conversation should be had with providers and the CMA regarding the inclusion of package fees which would be helpful to patients, but the first priority had to be on delivery of the requirements set out in the Order.

The Directors asked that the draft plan reference that, whilst PHIN clearly understood the requirement to publish the fee information required explicitly under the Order as a priority, PHIN would want to work with the CMA to deliver more hospital package pricing at some point in the future.

Additional feedback from the Directors included adding more detail on the timescales to which are being committed, to better reflect the sense of urgency with which PHIN and its Members were approaching the delivery of the Order.

It was also discussed that it was important for the CMA to be made aware at the earliest opportunity if there were measures that could not be published, for example, if they were not statistically viable or where it was not possible to identify an agreed method to do so.

Attendees also discussed that the publication of outlier information should only happen after significant due diligence and that PHIN's role in relation to outlier data was only to identify. Responsibility to follow up on outliers sits with the private healthcare providers.

In relation to fees, it was discussed that it was important for PHIN to remain focused on fulfilling the obligations under the Order which amounted to providing the Consultant's standard procedure fee.

It was agreed that it was important that the plan was understood to be for the whole sector. PHIN's role was to facilitate the necessary discussions with the sector. It was considered important to make clear in the plan that achievement depended on the support of and action by the sector.



JG summarised the next steps in relation to the draft CMA plan:

- A revised version of the draft plan would be issued to the Partnership Forum the following day.
- The Executive Summary would be drafted in week commencing 30 May 2022.
- There would be a consultation period with the members and the wider sector and feedback would be incorporated into the plan in June.
- A consolidated plan would be submitted to the CMA at the end of June 2022.
- Members would vote on support for the Plan at the PHIN Members Meeting in July 2022 when a formal meeting would be called.

It was agreed that someone needed to be identified to finalise the editing and presentation of the plan once all the relevant feedback had been incorporated.

**ACTION 190522.4 JG to update draft CMA Plan in line with Board feedback**

**ACTION 190522.5 JG and JF to identify the final editor of the draft CMA Plan**

**ACTION 190522.6 JG to share CMA feedback on the draft CMA Plan with the Board**

#### **c. CMA Plan milestones and timeline**

The paper was taken as read and there were no questions.

### **7. PHIN Executive Report**

The PHIN Executive report was taken as read and the Chair asked for comments or questions. The Directors congratulated the PHIN team for the recent positive national media coverage.

### **8. Finance**

#### **a. Finance Report, Management Accounts and Reserves – March YTD**

JG summarised the paper for the Directors.

#### **b. 2022-23 Budget Proposal Draft**

JG summarised the budget proposals for the 2022/23 financial year and considerations for their implementation and phasing. An update had been provided to ARC in April 2022 and subsequent feedback from the Partnership Forum had been incorporated. The Partnership Forum had advised that it would be helpful if the increase to fees was able to be capped at 15%.

The Directors discussed that the Partnership Forum request would result in PHIN carrying the risk for the first 6 months of the plan and that there would be significant resourcing requirements to manage. However, PHIN could use its current year surplus to absorb any resourcing needs in this period.

The Directors approved in principle the budget proposal to not increase fees in August 2022 and to proceed with a provisionally capped uplift in February 2023 within the agreed quantum. It was noted that PHIN would retain the right to increase fees and resources beyond this, if necessary, to deliver the requirements of the Order within the agreed timescale.



The budget would be subject to final review by ARC in June 2022 and would be presented to the Board on the morning of 21 July 2022.

## 9. Governance

This item was covered in the update from ARC in section 4a of the minutes.

## 10. AOB

### a. Hybrid Working Policy & Contract Amendment letter

The Directors discussed the hybrid working policy and it was clarified that the baseline expectation of one day per week in the office was intended to be a minimum requirement and the intention was to encourage employees to be in office where appropriate to foster team and relationship building. The policy, once implemented, would continue to be kept under review.

The Directors **endorsed** the approach outlined in the hybrid working policy and contract amendment letter subject to wording being developed to clarify the reference to 1 day a week being a minimum requirement and adding in review dates, starting with a review in 6 months with RemCom and Board.

**ACTION 190522.7 MS to update hybrid working policy wording/add review dates**

### b. Board meeting on 21 June 2022

It was noted that the resolutions for the AGM would need to be agreed at this virtual meeting in addition to approving the CMA Plan.

**ACTION 190522.8 MS to add agreeing resolutions to 21 June Board agenda and to issue the general meeting notice on 21 June**

**Date of next Board meeting:** Tuesday 21 June 2022 at 10am – Online Meeting

