

## 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 PB2248 Board Meeting held on 22 September 2022

#### Board Directors\*

Jayne Scott (Chair) [JS]  
Don Grocott (Deputy Chair) [DG]  
Professor Sir Cyril Chantler [CC]  
Ian Gargan, Chief Executive [IGN]  
David Hare [DH]  
Michael Hutchings [MH]  
Keith Richards [KR]  
Hugh Savill [HS]  
Claire Whyley [CW]  
Professor Sir Norman Williams [NW]

#### Other Attendees

Jonathan Finney, Member Services Director [JF]  
Jon Fistein, Chief Medical Officer [JLF]  
Jack Griffin, Finance & Commercial Director [JG]  
Jessica Harcourt, Virtual Assistant (Minutes) [JH]  
David Minton, Chief Technology Officer [DM]  
Mona Shah, Director of People & Process (Company Secretary) [MS]

#### Apologies

Nigel Mercer [NM]

*\*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 and in particular welcomed Ian Gargan, Keith Richards and Claire Whyley to their first PHIN Board Meeting.

The Chair extended thanks on behalf of the Board to JG for taking up the role of Acting Chief Executive.

The Chair commented that this was a pivotal moment for PHIN and as the CMA Order Roadmap and Delivery Plan 2022-26 had been developed and approved by Members, focus could now move onto delivery.

#### 1. Request for additional declarations of Directors' Conflict of Interest

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. Review of committee membership**

The Chair reported that it had been agreed with the CMA that a new sub-committee of the PHIN Board would be established to provide oversight of the implementation of the Order for intervening months between PHIN Board meetings.

The Chair would be speaking to all the Non-Executive Directors over the coming weeks with a view to refreshing membership of existing subcommittees and structuring the new subcommittee. A paper would then be brought to the November 2022 Board Meeting.

#### **ACTION 220922.1 JS to bring paper to November Board regarding subcommittee membership**

### **a. Board member succession & end of terms**

A discussion would take place at the November Board Meeting regarding tenures and succession planning for the PHIN Board. To this end, a plan would be prepared with proposed dates for end of terms.

#### **ACTION 220922.2 DG to prepare a plan outlining proposed dates for end of terms for PHIN Board Members**

## **3. Approval of Minutes and Actions**

### **a. Board meeting held on 21 July 2022**

The minutes of the Board meeting held on 21 July 2022 were approved as presented.

#### **ACTION 220922.3 JG/JF/IG to create a paper detailing PHIN's external stakeholder engagement policy**

### **b. PHIN Members Meeting held on 21 July 2022**

The minutes of the PHIN Members Meeting held on 21 July 2022 were approved as presented.

### **c. PHIN General Meeting held on 21 July 2022**

The minutes of the PHIN General Meeting held on 21 July 2022 were approved as presented.

## **4. Reports of sub-committee**

It was noted that there had been no meetings of the subcommittees since the July 2022 Board meeting.

## **5. Matters Arising**

### **a. Consultant Activity paper**

The Directors noted the contents of the paper regarding the publication of consultant activity and the challenges faced by PHIN, particularly regarding obtaining consultants' whole practice information.

The Board discussed possible solutions to the issues and the importance of ensuring that the CMA were promptly informed of the challenges.

It was noted that the issue of consultant attribution was particularly complex to resolve for NHS activity.

The Directors discussed the implications of not having whole practice information available including the impact on other measures.

The Chair summarised the discussions by noting that PHIN's first responsibility remained the delivery of the CMA Order and that it was imperative that the CMA were alerted in a timely manner to any issues that would impact this.

It had been acknowledged that not having consultant whole practice information had a significant impact on PHIN's ability to publish a range of measures. There was no easy solution to obtain the information and PHIN would continue to influence and engage with stakeholders where possible. However, it was acknowledged that the issue was not ultimately within PHIN's powers to resolve and as such the issues may not be resolved within the required timeline for delivery of the Order.

A summary paper would be brought to the November Board Meeting setting out the areas in which PHIN could provide assurance to the CMA as well as identifying the areas where it could not and the resulting implications.

It was agreed that CC would share the consultant activity paper with NHS England and that prior to this it would be circulated to the Partnership Forum.

The Directors thanked JLF for the excellent paper.

**ACTION 220922.4 IGN to prepare a paper for November 2022 Board Meeting regarding what PHIN can/cannot deliver in relation to the CMA Order**

**ACTION 220922.5 JLF to share consultant activity paper with Partnership Forum**

**ACTION 220922.6 CC to share consultant activity paper with NHS England once paper has been shared with Partnership Forum**

## **6. PHIN Strategy**

### **a. CMA Four Domains – progress reporting overview**

JG introduced the paper that outlined the proposals for progress reporting to the CMA and the sector, and the governance structures and processes required to support it.

The CMA had proposed that PHIN report monthly across the following four domains:

1. Hospital compliance
2. Consultant compliance
3. Measure development and publication
4. Patients - the quality and usability of information provided to consumers

In response to observations by the Directors, JG confirmed that work was underway to engage with the Insurers and that they had been invited to attend the Implementation Forum.

It was discussed that reporting on progress towards delivering the CMA Order should be publicly available and JG confirmed that this had previously been considered and that publishing progress on the Portal would be revisited. Publication of progress reporting on the PHIN website could then be considered in the future.

**ACTION 220922.7 JG & JF to revisit publication of progress report towards delivering the Order on PHIN Portal**

The Directors **approved** the progress reporting proposal as outlined in the paper and noted that it would naturally evolve over time.



Regarding the new Board sub-committee, the Directors **agreed** that CW and KR would be members and that it would be a formal subcommittee of the PHIN Board with Terms of Reference. (Afternote: the agreed inclusion of both new CMA appointees to this subcommittee has been revised following action at Item 2a above)

Regarding the following reference in the paper: “Ideally, this pack will have been reviewed by the PHIN Board (or sub-set of the Board) and the Partnership Forum before it is shared with the CMA.” It was agreed to remove the word “ideally” and it was confirmed that the reporting would be reviewed by the newly created subcommittee and the PHIN Board before being issued to the CMA.

#### a. **CMA Reporting Domains**

The Directors noted the contents of the paper and the Chair asked for questions or comments.

JG reported that the CMA had asked to see a higher level of risk management information in the reporting and in addition, JG intends to include a more detailed executive summary in the next iteration of the report.

In relation to the cataract procedure reporting and the guide published on the PHIN website, a Director requested that the use of the word “admissions” be reconsidered as it may be misunderstood by patients to refer to patients being admitted to hospital rather than the intended meaning of number of patients.

#### **ACTION 220922.8 JF to review use of word “Admissions” in cataract procedure reporting and guide and update accordingly**

Regarding patient survey feedback, a Director asked if the survey feedback was tracked over time and JG confirmed that trend analysis could be conducted and that a website steering group had been established to ensure these types of things were monitored and actions identified. It was agreed that reporting of verbatim comments by patients would be included in the next iteration of the CMA progress reporting domains for the Board.

#### **ACTION 220922.9 JF to include reporting of patient verbatim comments and trend analysis of survey results into the next iteration of the CMA progress reporting domains for the Board**

It was noted that the CMA had reviewed an earlier draft of the reporting pack and had given positive feedback. It was established that the reporting would also be shared with the Partnership Forum.

### **7. PHIN Operations**

#### a. **Chief Executive Report and Executive operational report**

The Directors noted the new reporting format which was for internal use only.

It was discussed that a paper would be brought to the November 2022 Board Meeting regarding the ADAPt Programme progress and recommendations.

At his request, DG would be invited to a future meeting of the website steering group.

#### **ACTION 220922.10 JLF to bring ADAPt paper to November Board Meeting**

#### **ACTION 220922.11 JF to invite DG to a future website steering group meeting**

MS updated the Directors on the recent People Strategy Workshop that had been conducted with IGN and PHIN's external HR Consultant. IGN had been pleased to note that PHIN had a strong people strategy and people development plan in place. MS commented that the majority of current vacancies were to recruit the necessary skills required to deliver the newly approved CMA Plan and that direct recruitment continued to result in savings on recruitment agency fees.

The Directors discussed the difficulties in recruiting to the Data Analyst vacancies and that this was an issue being experienced widely in the market and not confined to PHIN. JG and MS updated the Directors on the actions being undertaken to mitigate this which included graduate hiring. Regarding recruitment in general, it was discussed that PHIN may need to consider flexibility on working location in order to recruit for some specialist IT roles from outside London and the Home Counties. Careful consideration will need to be given to the requirement for them to regularly work from the PHIN offices under the hybrid working model.

## **8. Finance**

### **a. Finance Report, Management Accounts and Reserves - July 2022 YTD**

JG summarised the paper for the Directors and clarified that it represented the unaudited position as the Auditors were currently finalising the accounts.

It was discussed that the cash reserve position and forecast needed to be reviewed regularly in light of resourcing vacancies and recruitment pipeline.

## **9. Governance**

### **a. PHIN Top 10 Risk Register**

MS clarified that prior to the Members Meeting in July 2022, the Risk Register had necessarily focused on risks related to the approval of the CMA Plan. Following the approval of the Plan, risks related to implementation were now being considered.

The reasoning behind the full refresh of the corporate risk register would be reviewed by the Audit & Risk Committee (ARC) in October 2022 and then reported to the Board in November 2022.

The Board Risk Workshop in February 2023 would include a review of strategic corporate risks. The next meeting of the Information Security Management Team (ISMT) would also be risk focused.

## **10. AOB**

- The Board noted that PHIN had met with FIPO who had confirmed they were supportive of the CMA Order Roadmap and Delivery Plan 2022-26 and recognised that the priority was the delivery of the Order.
- IGN commented that he had worked with JF and the Engagement team to map out a comprehensive stakeholder engagement plan for the next 12 months and the Board would be kept abreast of progress.
- With BMI and Aspen (both former voting members) having been acquired by other voting members, PHIN were looking to expand the voting membership back to its previous levels. A paper on the membership application process and associated governance would be brought to the November 2022 Board Meeting. This would include clarification on the criteria that entitled an organisation to become a Member and what could trigger an organisation being removed as a

Member.

**ACTION 220922.12 JG/IG to bring paper on membership application process and governance to November Board Meeting.**

- The new date for the PHIN networking event was confirmed as Tuesday 28 February 2022.
- IGN advised that the agenda for the planned Leadership Team Away Day would include a discussion on strategy and risk.
- The Board dinner was confirmed for 6 December 2022 and it was **agreed** to invite past Board Members.

The Chair thanked the Leadership Team for preparing the comprehensive papers and closed the meeting.

**Date of next Board meeting:      Wednesday 16 November 2022**  
Sign off PHIN Accounts

