

## Minutes of the Board Meeting

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

**Chair: Jayne Scott**

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### PHIN PB2352 Board Meeting held on 21 September 2023

#### Board Directors\*

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

#### Other Attendees

Jonathan Finney, Member Services Director [JF]  
Jessica Harcourt, Virtual Assistant (Minutes) [JH]  
David Minton, Chief Technology Officer [DM]  
Mona Shah, Director of People & Process (Company Secretary) [MS]

#### Apologies

None

*\*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.

The Chair thanked the Directors for their input into the very productive Board Strategy Workshop held the previous week. Further discussions were needed regarding stakeholder engagement, specifically in relation to the PPU's and Devolved Nations, and the action log was updated accordingly.

#### 1. Review and consideration of the Directors' Register of Interest

There were no new declarations of interest nor potential conflicts of interest raised in general or in respect of the current agenda.

During the meeting CC advised that he and NW were to be members of the newly constituted Outcome and Registries Programme Board. It was clarified that they were appointed as individuals and not in their capacities as Directors of PHIN.

## 2. Governance

There were no governance items for discussion at the meeting.

*IGN joined the meeting at this point.*

## 3. Approval of Minutes and Actions

### a. Board Meeting held on 25 July 2023

The minutes of the Board Meeting held on 25 July 2023 were **approved** as presented.

### b. PHIN Members Meeting held on 25 July 2023

The minutes of the PHIN Members Meeting held on 25 July 2023 were **approved** as presented.

## 4. Reports of sub-committee

### a. Board Strategy Workshop – 13 September 2023

The Chair thanked the Directors for their input into the workshop and expressed her wish that the frequency of such workshops be increased to fully leverage the expertise on the PHIN Board. The Chair thanked DH for his insight on the private healthcare sector.

The Directors discussed that it would be important to obtain the input of PHIN's Members regarding the future of PHIN post 2026 and the fulfilment of the CMA Order.

Patient engagement had been a significant topic of discussion at the workshop and it was agreed that the February 2024 Board Meeting and Board Risk Workshop would be extended to enable the PHIN team to update the Directors on patient engagement activity and to discuss additional ways of ensuring the patient voice informed PHIN's work. Attendance would be voluntary.

#### **ACTION 21.09.23.1 MS to add patient engagement to agenda for Board Workshop / Board Meeting in February 2024**

In the context of the importance of PHIN's focus on patients, it was suggested that the papers brought to the PHIN Board should highlight the patient issues being addressed within them. A Director suggested that, as an exercise, the current papers could be reviewed in this context and suggestions made for how patient issues could be emphasised.

The Directors also discussed that the Board would find it useful to have further context on the patient research work that had already been carried out by PHIN.

#### **ACTION 21.09.23.2 CW to review Board papers and suggest to JS and JF how these could have been presented to bring great focus to patient issues**

Regarding the future of PHIN after 2026, a Director noted that any future activity that PHIN undertook would need to be alignment with the Articles of Association. If a decision were to be made to take PHIN in a different direction, a new company or subsidiary company may be required.

The Directors discussed that whilst it was important for PHIN to have a clear identity and direction of travel, the current primary focus was to deliver the CMA Order.

The Chair noted that the PHIN Vision Statement needed to be revisited and finalised.

### **ACTION 21.09.23.3 MS to add finalising PHIN Vision Statement to future Board Meeting agenda**

Further to the full discussion at the workshop, the Board **agreed** that the option of augmenting PHIN's domestic development team with offshore development support for the website could be investigated as a way of being more responsive to consumers and delivering better value for money.

The Directors noted the verbal update.

### **5. Chief Executive Report and Executive Operational Report**

A discussion was had regarding the relationship between consultants and PMIs.

A Director noted the prominence of press activity in the report and hoped that not too much time was being taken up in that regard.

DM provided an update on Portal 6 and advised that the new functionality relating to hospitals was expected to be delivered on time by end of October 2023, ready for launch in November 2023. The consultant related functionality was on target for delivery by mid December 2023. DM also advised that the Senior Manager, Software Development would be leaving PHIN, however, it was not expected that this would impact delivery as a plan was already in place and his duties reassigned. The Directors discussed the reasons for the post holder leaving PHIN.

The Board were pleased to hear that the CQC had invited PHIN to contribute to the updated guidance the CQC would be issuing to Inspectors.

The Board noted the report.

### **6. Matters Arising**

#### **a. Media Engagement**

JF invited the Directors to discuss the contents of the paper that gave an overview of PHIN's media engagement.

The Chair remarked that clarity was required on what PHIN should and should not comment on in the media and asked that the PHIN Communications team provide more framing around this.

The Directors asked that the ultimate objective of engagement with the media be clarified. IGN conveyed that the intention was to raise awareness of PHIN to patients and drive people to the website where they could obtain useful information. Media engagement was particularly important due to PHIN not having a budget for promotional marketing.

JF noted that media work was an important way of making PHIN known to patients when other avenues were not available, in particular in less engaged regions.

The Directors discussed the importance of maintaining PHIN's independence and as such PHIN should not comment on the healthcare sector nor government policy and it was not PHIN's role to represent the private healthcare sector.

The Directors acknowledged that, even with a clear media strategy, it was not always possible to steer the course of an interview and that the risks of engaging with the media needed to be acknowledged in the strategy.

In light of the increased media focus on healthcare, the merits of employing a PR firm were discussed. It was agreed not to pursue this for cost reasons.

The Board asked that a media engagement strategy be developed for approval.



The strategy would need to clarify where PHIN should engage, for example, on data and the benefit to patients, and that caution should be employed regarding other areas. The strategy should also outline the risks of media engagement, the objections to PHIN's media activity, the importance of PHIN's independent position, and the provision of media training.

The Chair noted that the media engagement strategy would be owned by the Board and would serve as a guide to the PHIN Communications team.

**ACTION 21.09.23.4 JF to provide paper on proposed media engagement strategy for November 2023 Board Meeting**

**7. Finance**

**a. Finance Report, Management Accounts and Reserves – July 2023**

JG summarised the paper for the Directors which showed the financial position at the end of July 2023. This represented the unaudited year-end financial position and was in line with the forecast.

JG drew attention to the fact that the cost of PHIN's insurance had doubled in the week before the new financial year. JG recommended the insurance be kept under review in terms of cost and coverage.

The Board noted the paper.

**8. PHIN Strategy**

**a. CMA Order progress reporting – 4 Domains – August 2023**

JG introduced the paper by noting that, whilst good progress had been seen in consultant compliance, there had been a decrease in provider compliance. The reasons for this were being investigated.

The Chair highlighted the importance of the Board and the Delivery Oversight Committee being clear as to whether PHIN was on track to deliver on the Order commitments as well as being clear on any risks.

A Director noted that the PHIN website survey feedback had shown a reduction from 40% to 34% in the number of patients who would take action after visiting the website and asked for the reasons.

It was discussed that this was a complex area to unpick and that a patient not acting was not always a negative outcome as the website may have helped them to reach a decision not to proceed. Google statistics indicated that the vast majority of visitors to the website were first time visitors and PHIN was trying to do more research on the patient journey. Information governance protocols placed some limitations on the research that could be carried out in this regard.

The Board **approved** the report "CMA Order progress reporting – 4 Domains – August 2023".

**b. External Governance Review Update**

JG provided a verbal update on the tender process to source a provider for the external governance review. Meetings with the shortlisted companies would take place on 12 October 2023 and would be attended by JG, MS, IG, JS, and DG. It was agreed that the questions to be asked would be defined in advance. JG advised that observation of the PHIN Board would be part of the review process.

**ACTION 21.09.23.5 JG to define questions to be asked of shortlisted suppliers for external governance review**

The Board noted the update.

**c. SOP for ADAPt**

IGN introduced the paper which described the recommendations for the next stage of the ADAPt Programme and PHIN's future involvement. The recommendation was that option 1 the "tactical solution" be adopted, this would see PHIN continuing to collect private APC data directly from independent sector providers and PPU's. IGN advised that the NHS England ADAPt team were supportive of this approach.

Once the PHIN Board had reviewed and commented on the paper, it would go to NHS England for review and then to the Outcomes Registry Programme Board in November 2023.

The Directors discussed the importance of PHIN retaining access to a sufficient volume of private healthcare data for the benefit of patients and to fulfil the CMA Order.

It was discussed that option 3, the "hybrid solution" was an option for the future where PHIN stopped the collection of private APC data directly from NHS PPU's and NHS England shared NHS PPU APC data back to PHIN. It was noted that the ADAPt pilot to test the feasibility of this had failed due to information governance issues. It was discussed that proceeding with option 1 did not preclude pursuing option 3 in the future. If there was a better solution, particularly to address PPU compliance, this would also be considered in the future.

The Board noted the paper and **approved** option 1, the "tactical solution" as the preferred option for ADAPt subject to the paper going through further consultation with the NHS.

A Director clarified that the recommendations in the paper were not for the PHIN Board to decide upon.

#### **d. University of Manchester Research Project September 2023**

The Board noted the contents of the paper which drew their attention to the request to grant access to the PHIN database by the University of Manchester Research Project.

It was noted that NW and IGN were on the Board of this research project.

JG highlighted the risks that were related to granting access to the data. It was noted that the approval of Members would be needed to proceed and that they would be advised regarding the risks. In addition, key stakeholders such as IHPN and consultant representative bodies should be actively consulted and supportive of the project.

It was also recommended that any granting of access to PHIN's database would only happen if access to NHS HES data was also granted by NHS England. Without access to both datasets the research would not be possible

The Board were supportive of the next steps as outlined in the paper.

### **9. AOB**

#### **a. Approval for external values work**

The Chair noted that the Directors had reviewed the proposed "Mission, Values, Culture" work at the July 2023 meeting and that there had been no objections or requested revisions.

The Directors **approved** the content and the publication of the work subject to the following amendments being made:

- The behaviours relating to delivering on commitments to patients, stakeholders and the CMA should include a reference to PHIN's dedication to patients.
- The behaviours relating to delivering an excellent service and working as a team should be amended to read "We provide a value-added service to patients, hospitals, consultants and other partners".



**Date of next Board meeting:**

**Thursday 2 November 2023**

Sign off PHIN Accounts

Please note the AGM notice to go out 30 days before the AGM scheduled for 5 December 2023

